TRANSVAAL.

TELEGRAPHIC CORRESPONDENCE

RELATING TO THE

TRANSVAAL LABOUR IMPORTATION ORDINANCE;

WITH APPENDIX: THE ORDINANCE AMENDED IN ACCORDANCE WITH TELEGRAMS.

(*In continuation of* [Cd. 1895] *February*, 1904.

Presented to both Houses of Parliament by Command of His Majesty.
February, 1904.

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TELEGRAPHIC CORRESPONDENCE

RELATING TO THE

TRANSVAAL LABOUR IMPORTATION ORDINANCE.

No. 1.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 3.56 p.m., February 1, 1904.)

TELEGRAM.

1st February. No. 1. Matter most urgent. Are the references given in your telegram of 28th January, No. 1* to the sections of the draft Ordinance enclosed in your despatch of 4th January,† correct? Your telegram states that a new sub-section (d) has been added to clause 8 providing that so long as the labourer remains in the Colony he shall be subject more especially to the provisions contained in sections 14, 15, 19, 22, 26, and 29 sub-section 2 thereof which shall be substantially set forth in a schedule to the contract. Object of this, I presume, is to express clearly in the contract which the labourer signs the restrictions to which he will be subject on arrival in the Transvaal. But sections 14, 15, 19 and 26, sub-section 2, concern only the importer and the superintendent, while section 29 relates only to British Indians and has no sub-sections. It would seem that the sections which should be referred to in the new sub-section to section 8 are sections 16, 17, 18, 20, 21, 22 and 26 sub-section 1. Please explain by telegraph.

No. 2.

Governor VISCOUNT MILNER to Mr. LYTTELTON.

(Received 6.35 p.m., February 2, 1904.)

TELEGRAM.

2nd February. No. 2. Matter most urgent. Your telegram of 1st February No. 1.‡ The numbers of the sections given to you in my telegram of 28th January* which are to be inserted into the schedule to the contract providing for new sub-section (d) section 8 were unfortunately taken from the Ordinance as amended in Committee and correspond to the following sections in the copy of the Ordinance which you have, viz.: 12, 13, 16, 17, 18, 20, 21, 22, 24, 26, sub-section 1 and 27, sub-section 9.

Further sections may be included, the object being to inform the labourer before he signs the contract of all the disabilities he will be under during his residence in the Transvaal.

* No. 127 in [Cd. 1895.] The telegram as printed there contains two misprints. The fifth line should read "In clause 1 at the end of definition of 'unskilled labour' the words have been" and at the end of the first line of the next paragraph, for "Such" read "No such."

† No. 122 in [Cd. 1895.]

‡ No. 1.

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No. 3.

Mr. LYTTLETON to Governor VISCOUNT MILNER.

(Sent 6.40 p.m., February 4, 1904.)

Telegram.

4th February. No. 3. Matter most urgent. Your telegram 2nd February, No. 2* received. Please telegraph at once whether draft Ordinance transmitted in your despatch of 4th January† as altered in accordance with your telegrams of 28th January, No. 1,‡ and 2nd February, No. 2,* and including suspending clause may be published as representing Ordinance in its present form. Your telegram of 28th January, No. 1,‡ spoke of minor amendments. You should, if possible, supply me with all alterations necessary to give exact terms of Ordinance.

No. 4.

Governor VISCOUNT MILNER to Mr. LYTTELTON.

(Received February 6, 1904.)

Telegram.

5th February, No. 2. Matter most urgent. Your telegram of 3rd [? 4th] February, No. 3.§ I will try and supply you with amendments that have taken place since my telegram of 28th January, No. 1,‡ and 2nd February, No. 2,* and also minor amendments referred to but not included in my telegram of 28th January, No. 1. This should place you in possession of complete draft as it stands.

Following are in addition to amendments already telegraphed unless otherwise stated :—

In preamble, for words "this Colony" substitute words "Witwatersrand District." After the word "descent" add words "for the exploitation of minerals within the said area."

In Section 1, line 14, for words "this Colony" substitute following words, *begins* "Mines in the Witwatersrand district," *ends.*

In Section 1, words inserted at the end of definition of unskilled labour, see my telegram of January 28th, No. 1, have since been struck out, and section ends as in original draft with word "equator."

In Section 1, at the end definition of word "premises" has been deleted, and following definition substituted, *begins*, "Witwatersrand district shall mean the area within which the Witwatersrand High Court has jurisdiction," *ends.*

In middle of Section 3 after the words, *begins* "May have against his employer" *ends*, insert words, *begins* "Or any person placed in authority over him by such employer" *ends.*

In Section 4, Sub-Section 1, after the word "served" insert words "by the person to whom it is directed."

In Section 4, Sub-Section 3, for word "may" substitute the word "shall."

In Section 4, Sub-Section 5, for words "indicted and if convicted" substitute the words "dealt with and."

Here insert a new Section 5 as follows, *begins*, "It shall not be lawful for any labourer to enter, be, or reside, or to be introduced into this Colony unless he shall previously have entered into the contract referred to in Section 8, and until such contract has been registered in the office of the Superintendent" *ends.*

Section 5 in original Draft becomes 6. In this Section after the words "this Colony" insert words, *begins* "or employs such labourers" *ends*, and after the words "succeeding Section" add words, *begins* "nor contrary to the terms of such licence," *ends.*

In same section after the word "introduced" add words "or employed."

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* No. 2. † No. 122 in [Cd. 1895.] ‡ Nos. 127 in [Cd. 1895.] § No. 3.

In section 6 which now becomes 7, in sub-section 1 after the word "minerals" add words "within the Witwatersrand district." Sub-section 2 stands as in my telegram of January 28, No. 1, with the following alterations in (a) ii. for "landing" read "forwarding," in (c) for "section nineteen" read words "section twenty-two."

In section 7, which now becomes 8, after the words "labourers shall" insert words, *begins* "prior to such introduction" *ends*, and after the words "next succeeding section" insert following sentence, *begins* "a certificate shall be attached to the said contract signed by the aforementioned person certifying that the provisions of this section have been complied with and such certificate shall be conclusive evidence of the facts therein stated," *ends*.

In section 8 which now becomes 9, in sub-section (*a*) after word "minerals" add words, *begins* "without the Witwatersrand district and in particular shall not be employed in any of the trades or occupations specified in Schedule I. to this Ordinance except for unskilled labour therein," *ends*. In sub-section (b) delete all words after words "and to" and substitute following words, *begins* "whom the rights of such first mentioned person under the contract may be lawfully transferred as provided under section 11 hereof for a term of service to be fixed by the contract," *ends*. Sub-section (d), references are to sections 14, 15, 19, 20, 24, 25, 26, 27, 28, and 31, sub-sections 1 and 11.

Section 9 which now becomes section 10 reads as follows, *begins* "No such contract as aforesaid shall be for a longer period than 3 years, but on the expiration thereof it may be renewed on the same terms and conditions as those prescribed in the last preceding section for further period or periods not exceeding in all three years; no such contract shall be registered at the office of the Superintendent which does not contain the conditions prescribed in the last preceding section, nor till the Bond mentioned in section 21 has been entered into and lodged with the Superintendent. (2). Any person introducing or employing labourers under a contract not complying with the requirements of sections 8 and 9, shall be deemed to be guilty of a contravention of this Ordinance and liable to the penalties prescribed in section 6 hereof," *ends*.

In section 10, which now becomes 11, for words "assigned by deed" read words "transfer in writing"; for "section 19" read "section 22." After the word "originally" delete all words to end of section and substitute the following: *begins*, "Provided that the Superintendent is satisfied on such evidence as he may require that no consideration or value has passed or been promised for such transfer beyond the repayment by the transferee of the expenses incurred by the transferor in respect of the introduction of such labourers: and provided further that notice of every such transfer shall be given to the Superintendent and a certified copy of the instrument of transfer shall be registered at his office," *ends*.

Here insert new section 12, *begins*, "No importer or other person except in pursuance of a transfer duly registered shall remove a labourer from the place where he is employed without the written permission of the Superintendent, nor employ such labourer elsewhere than on such place without like permission. Any person contravening this section shall be liable to a penalty not exceeding £10 for every labourer so removed or employed."—*Ends*.

Section 11 becomes 13.

In section 12, which now becomes 14, instead of "no mining, trading, or other licence" substitute following words, "no liquor, mining, trading, general dealer, importer, hawker, or other license." After the word "holds" insert words "either directly or indirectly [? be] responsible for any house, land, building, or fixed property, or any mynpacht, claim, stand, or any right whatever to minerals or precious stones either in his own name or in the name of any person on behalf of or as agent or trustee for him."

In section 13, which becomes 15, insert after first paragraph a new paragraph, *begins*, "any importer contravening this section shall be liable on conviction to a fine not exceeding £50, and in default of payment to imprisonment for a period not exceeding six months."—*Ends*.

In section 14 which becomes 16, read as follows, *begins*: "The importer shall cause a register in the form prescribed by regulation to be kept of all labourers introduced or employed by him and shall enter in the said register all transfers, deaths, unlawful absences from work and desertions occurring amongst such labourers, and shall cause a

return in the form prescribed by regulation to be made to the Superintendent within the first seven days of every month of the number of labourers introduced by him or transferred to him or by him during the preceding month, the number of labourers actually employed by him on the last day of that month, and the number of transfers, deaths, unlawful absences from work, and desertions which have occurred during such months. Such register shall also contain such other particulars as may from time to time be prescribed by regulation. In the case of the death of any labourer, a medical certificate shall be forthwith forwarded to the Superintendent as to the cause of death "—*Ends.*

In section 15 which becomes 17 before word "Inspector" insert following "Superintendent or."

Section 16 becomes 18.

In Section 17 now 19 after words "without a permit" insert words "in the form and containing the particulars prescribed by regulation." After the words "bear the date" insert "and hour." After the words "registered number" insert following "and shall not authorise the labourer to go outside the Witwatersrand district."

Section 18 now 20 reads as follows, *begins.* "(1.) It shall be lawful for any inspector under this Ordinance or for any police officer to demand from any person whom he has reason to suspect is a labourer introduced under the Ordinance, the production of the passport mentioned in section 15, and if it appears from such passport on being produced that such labourer is absent from the premises on which he is employed, such inspector or police officer as aforesaid shall demand from him the permit mentioned in the last preceding section. (2.) Any person failing to produce his passport or permit when asked to do so under the last preceding Sub-section may be arrested without warrant and taken before the nearest Court of Resident Magistrate, and on conviction for being without such passport or permit, as the case may be, he shall be liable to a fine not exceeding £10, and in default of payment to imprisonment for a period not exceeding one month. (3.) In a prosecution under the last preceding Section of any person not producing a passport when requested to do so, it shall be presumed until the contrary is proved that the accused person is a labourer introduced under this Ordinance, and on the payment of any fine or expiration of any term of imprisonment imposed on him, he shall be sent back by the Superintendent to his employer, and in case his employer cannot be found and he refuses to be engaged by an importer as a labourer under this Ordinance, he may be forcibly returned to his country of origin by the Superintendent," *ends.*

Here insert following new section 21 *begins* "the Superintendent shall at least once during every 3 months transmit to the Lieutenant-Governor (for publication in the Government Gazette) a statement showing amongst other things (a) the number and particulars of licenses issued and cancelled: (b) the number of labourers introduced into this colony and their country of origin: (c) the number of labourers who have been returned to their country of origin and the causes of such return: (d) the number of labourers who have died and deserted: (e) the number and particulars of families introduced and returned under this Ordinance: (f) particulars of any contravention of this Ordinance," *ends.*

Section 19 now becomes 22. In Sub-section 1 omit words "with two sufficient sureties." For words "in the schedule, etc." read "in Schedule II. hereto annexed undertaking to pay the expenses incurred in connection with the return of such labourers to their country of origin in accordance with their contracts and the provisions of this Ordinance: the said bond shall be secured in such manner as the Superintendent may require." In Sub-section 3 for "five" read "six."

Here insert new section 23 *begins:* "At least 30 days before the expiration of the term of service of any labourer the importer who is accepting the pecuniary responsibility for the expenses of such labourer's return to his country of origin shall notify the Superintendent of the date on which such service shall expire, and shall take all necessary steps to the satisfaction of the Superintendent for ensuring the immediate return of such labourer to his country of origin, and shall carry out and comply with all such directions as may be issued by the Superintendent as to the place from which such labourer shall take his departure and as to his control while in transit. Any importer contravening the provisions of this section shall be liable on conviction to a fine not exceeding £100, or in default of payment to imprisonment not exceeding six months."—*Ends.*

In Section 20 now 24 delete all words after the word "imported" and substitute the following words "under section sixteen of this Ordinance and included in the returns made to the Superintendent under the said section."

Sections 21 and 22 become Sections 25 and 26.

In Section 23 now 27 before word "provisions" insert words "the conditions of his contract or the" and after word "importer" add words "provided that where any labourer is ordered to be returned to his country of origin on account of any offence committed by him ? the importer shall be entitled to deduct the cost of so returning him from any wages then due to him."

Section 24 becomes Section 28.

Section 25 becomes Section 29.

In Subsection one for "six" read "seven." In Sub-section three before word "registration" insert word "execution." In Sub-section six for "fourteen" read "sixteen."

Section 26 becomes Section 30.

In Section 27 now Section 31 insert two new sub-sections as follows : *begins* "1. Any labourer contravening the provisions of section five of this Ordinance shall be liable to the penalties provided in Section 28. (2) Any person who in any way aids, abets or assists any labourer directly or indirectly to contravene or evade, or to attempt to contravene or evade the provisions of this Ordinance shall unless otherwise provided be liable to the penalties provided in Section 6," *ends.* In Sub-section (1) which now becomes sub-section (3) after word "fails" insert "to deposit the returns required under Section 13 or fails" and instead of "14 and 15" read "16 and 17." In same sub-section after the words "false information" insert "or who being required under Section 11 to give notice of the transfer of a contract with any labourer failing to do so." Sub-section (2) becomes Sub-section (4). In Sub-section (3), now (5), after the word "minerals" insert following : "In the Witwatersrand district." In Sub-section (4) now (6) after the words "Introduce labourers" insert following : "and any person who shall employ any labourer not lawfully transferred to him." In Sub-section (5) now (7) read "otherwise transfer any house, land, building or fixed property or any mynpacht claim, stand or any right whatever to minerals or precious stones to any labourer or to any, &c." In Sub-section (6) now (8) read "attempt so to do any house, land, building or any mynpacht claim, stand or any right whatever to minerals or precious stones or shall carry on, &c." Sub-sections (7) and (8) become (9) and (10). In Sub-section (9) now (11) after the words "exploitation of minerals" insert following "or who shall enter the service of any person to whom his contract has not been lawfully transferred under this Ordinance shall be liable," &c. Here insert new Sub-section (12), begins "Any importer who neglects forthwith to report to the Superintendent the desertion of any labourer while in his employment shall be liable to a fine not exceeding £50, or to imprisonment for a period not exceeding three months" ends. Sub-section (10) becomes 13. Here insert new sub-section number (14) begins "Any person who shall give or receive any valuable consideration for the transfer of any labourer contrary to the provisions of Section 11 of this Ordinance shall be liable on conviction to a fine not exceeding £500 or to imprisonment for a period not exceeding one year or to both such fine and imprisonment."—*Ends.*

In section 28, now 32, after "1880," omit word "and," and after words "amendment thereof," insert words "and of sections two to eight inclusive of the Peace Preservation Ordinance 1903."

Insert new section 33, *begins*, "(1) It shall not be lawful for the wife or any member of the family of any labourer or any female belonging to the race or tribe of any labourer introduced into this colony to enter, be, or reside in this colony unless they be respectively introduced by a duly licensed importer under as far as practicable the same conditions and restrictions as are provided in this Ordinance for the introduction of labourers. (2) The family of any labourer introduced into this colony by any importer under a regulation made by the Lieutenant-Governor, and any children of such labourer born in this colony shall be returned by the importer to their country of origin on the death of such labourer or on the happening of any of the events when under this

Ordinance such labourer is liable to be returned to his country of origin, and such importer as aforesaid shall give the like security for the payment of expenses incurred in connection with the return of such family as is required under section 22 of this Ordinance."—*Ends.*

Section 29 becomes 34.

Section 30 becomes 35. In this section after words " Ordinance 1904 " insert words "and shall not take effect unless and until the Governor shall proclaim in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter shall come into operation upon such day as the Governor shall notify by Proclamation."—*Ends.*

Schedule I. reads as follows : *Begins*—Schedule I : amalgamator, assayer, blacksmith, boilermaker, brass-finisher, brass moulder, brickmaker, overseer, bricklayer, banksman, carpenter, coppersmith, clerk, cyanide-shiftsman, drill-sharpener, driver of air or steam winch, driver of mechanical or electrical machinery, engineer, electrician, engine-driver, fitter, fireman-overseer, ganger, ironmoulder, joiner, mine-storeman, mechanic, machinist, millwright, machine-sawyer, mason, mine-overseer, machine rock-driller, mine-carpenter, miller, overseer in any capacity other than the management and control of labourers, onsetter, patternmaker, plumber, painter, plasterer, pipeman, pumpman, platelayer, quarryman-overseer, rigger, stonecutter, signaller, skipman, sampler, turner, tinsmith, timberman, timekeeper, wiresplicer, woodworking machinist.

Schedule annexed to original draft stand as Schedule II.

APPENDIX.

Draft Ordinance to Regulate the Introduction into the Transvaal of Unskilled non-European Labourers.

(Reconstructed according to the telegrams.)

Whereas it is desirable to make provision for regulating the introduction from outside Africa South of 12 degrees North of the Equator into the Witwatersrand District of unskilled labourers not being of European descent for the exploitation of minerals within the said area: Preamble.

Be it Enacted by the Lieutenant-Governor of the Transvaal, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance, and all Rules and Regulations made thereunder unless the context otherwise requires, the following expressions in inverted commas shall have the meaning placed opposite to them, that is to say: Interpretation of terms.

"Labourer" means a male person belonging to a non-European race other than one of the races indigenous to Africa South of 12 degrees North of the Equator introduced into this Colony under contract of service; "unskilled labour" means such labour as is usually performed in this Colony by persons belonging to the aboriginal races or tribes of Africa South of the Equator.

"Importer" means any person introducing labourers into mines in the Witwatersrand District, or any person to whom labourers have been transferred under this Ordinance;

"Country of origin" means in the case of any labourer the country from which such labourer is introduced;

"Contract" means the contract of service entered into by a labourer as provided in this Ordinance;

"Imprisonment" means imprisonment either with or without hard labour;

"Witwatersrand District shall mean the area within which the Witwatersrand High Court has jurisdiction.

Appointment of Officers; their Powers and Duties.

2. The Lieutenant-Governor may appoint a Superintendent of labourers (hereinafter styled the Superintendent), who shall have the general administration of this Ordinance, and shall perform such duties and exercise such powers as may be imposed on him by this Ordinance or by regulations made thereunder, and may likewise from time to time appoint such inspectors, medical officers, clerks, and other officers as may be necessary for the proper administration of this Ordinance. Superintendent and inspectors of labourers.

3. The Superintendent or any Inspector may at any time enter upon the premises on which labourers are employed and inspect the condition and general treatment of such labourers and the condition of their housing accommodation and hospital accommodation, and may enquire into any complaint which an employer may have against a labourer or which a labourer may have against his employer, or any person placed in authority over him by such employer, and may require any labourer to be brought before him on any such visit, and may either before or after such enquiry as aforesaid make a complaint or lay an information in his own name on behalf of a labourer against the employer or against any other person before the magistrate of the district. General powers of superintendent and inspectors.

Power to summon witnesses on enquiry

4.—(1.) The Superintendent or Inspector may summon any person as a witness whose evidence he considers necessary for the proper determination of any enquiry held by him; such summons shall be served by the person to whom it is directed in the same manner as a summons issued by a magistrate is required to be served.

Penalties for refusing to be sworn and for giving false evidence.

(2.) Every person on whom such summons has been duly served, who without any reasonable excuse refuses or neglects to attend at the time and place mentioned in such summons, shall be liable to a penalty not exceeding Ten Pounds, and in default of payment to imprisonment not exceeding one month.

(3.) The Superintendent or Inspector shall require every statement given by any person at an enquiry held by him to be given upon oath, and for such purpose he is hereby authorised to administer an oath to every such person.

(4.) Every person who refuses to be so sworn when thereto required shall be deemed to have hindered the officer holding the enquiry in the execution of his duty, and shall be liable to be punished accordingly.

(5.) Every person who, after being so sworn, wilfully makes a false statement as to anything material to the proper determination of the matter then in question shall be deemed guilty of perjury, and shall be liable to be dealt with and punished accordingly.

5. It shall not be lawful for any labourer to enter, be, or reside, or to be introduced into this Colony unless he shall previously have entered into the contract referred to in Section 8 and until such contract has been registered in the office of the Superintendent.

Introduction of Labourers.

Prohibition of introduction of labourers except under this Ordinance.

6. No person shall introduce labourers into this Colony or employ such labourers unless he has obtained a License to do so from the Lieutenant-Governor under the next succeeding section, nor contrary to the terms of such licence, any person contravening this section shall be liable to a penalty of one hundred pounds for every such labourer introduced or employed by him and shall further be bound to refund to the Superintendent any expenses incurred by him in returning such person to his country of origin.

Licenses.

7.—(1) The Lieutenant-Governor may, subject to the provisions of this Ordinance, grant a license to any person to introduce labourers into this Colony to perform unskilled labour only in the exploitation of minerals within the Witwatersrand District.

(2.) No such license shall be granted till the Lieutenant-Governor is satisfied, A. That the Government of the Colony or State in which the port is situated through which such labourers may enter South Africa for the purpose of being conveyed to the Transvaal have made adequate provision: (i) for the medical examination of such labourers on their arrival at such port; (ii) for preventing the forwarding of labourers who after such medical examination are found to be insane or suffering from an infectious or contagious disease; (iii) for the control of labourers to this Colony or from this Colony back to their country of origin. B. That suitable accommodation for the housing of such labourers on the premises on which they are to be employed will be ready on their arrival in this Colony. C. That proper security in terms of Section 22 has been given by the applicant.

(3.) On every such license there shall be paid the sum of £100, and every such license shall state the port in South Africa through which such labourers shall be introduced.

(4.) No such labourer shall be employed elsewhere in this Colony than in the Witwatersrand District.

Contracts with labourers —how executed.

8. Every person obtaining a license under the last preceding section to introduce labourers shall prior to such introduction for such purpose enter into a contract in writing with such labourers, which contract shall be signed by the labourers to be bound thereby in the presence of some person possessing the qualifications prescribed by regulation, who shall, before such labourers sign the contract, explain to

them the provisions thereof as well as the provisions mentioned in the schedule referred to in the next succeeding section; a certificate shall be attached to the said contract signed by the aforementioned person certifying that the provisions of this section have been complied with and such certificate shall be conclusive evidence of the facts therein stated.

Such contract shall be of full force and effect in this Colony as soon as it is registered in the office of the Superintendent.

Introduction of labourers subject to conditions.

9. The introduction of labourers shall be subject to the following conditions, which shall be embodied in the contract between the importer and the labourers :—

(*a.*) That so long as the labourer remains in this Colony he shall be employed only on unskilled labour in the exploitation of minerals within the Witwatersrand District, and in particular shall not be employed in any of the trades or occupations specified in schedule I. to this Ordinance, except for unskilled labour therein.

(*b.*) That he shall only serve the person introducing him or any other person who has obtained a license under this Ordinance to introduce labourers, and to whom the rights of such first-mentioned person under the contract may be lawfully transferred as provided under section 11 hereof for a term of service to be fixed by the contract.

(*c.*) That on the termination by effluxion of time or otherwise of the contract or a renewal thereof the labourer shall be returned without delay at the expense of the importer to his country of origin.

(*d.*) That so long as the labourer remains in this Colony he shall be subject to the provisions contained in the Labour Importation Ordinance, 1904, and more especially to the provisions contained in sections 14, 15, 19, 20, 24, 25, 26, 27, 28 and 31 (1) and (11), which shall be substantially set forth in a schedule to the contract.

Period of contracts. No contract to be registered until bond mentioned in section 21 be entered into.

10.—(1.) No such contract as aforesaid shall be for a longer period than three years, but on the expiration thereof it may be renewed on the same terms and conditions as those prescribed in the last preceding section for further period or periods not exceeding in all three years; no such contract shall be registered at the Office of the Superintendent which does not contain the conditions prescribed in the last preceding section nor till the bond mentioned in section 21 has been entered into and lodged with the Superintendent.

(2.) Any person introducing or employing labourers under a contract not complying with the requirements of sections 8 and 9 shall be deemed to be guilty of a contravention of this Ordinance and liable to the penalties prescribed in section 6 hereof.

Transfer of contracts.

11. Any importer may with the sanction of the Lieutenant-Governor and under the regulations made by him transfer in writing his rights under any contract with any labourer to any other person who has obtained a license to import labourers under this Ordinance and has given the security mentioned in section 22 hereof; and thereupon such labourer and such other person shall be bound by all the terms of such contract as fully as if such other person had been a party thereto originally; Provided that the Superintendent is satisfied on such evidence as he may require that no consideration or value has passed or been promised for such transfer beyond the repayment by the transferee of the expenses incurred by the transferor in respect of the introduction of such labourers; and provided further that notice of every such transfer shall be given to the Superintendent, and a certified copy of the instrument of transfer shall be registered at his office.

12. No importer or other person except in pursuance of a transfer duly registered shall remove a labourer from the place where he is employed without the written permission of the Superintendent, nor employ such labourer elsewhere than

on such place without like permission. Any person contravening this section shall be liable to a penalty not exceeding £10 for every labourer so removed or employed."

Control of Labourers.

Returns by importer on registration of contract.

13. Every importer shall on the registration of the contract made by him with the labourers introduced by him, deposit with the Superintendent a return showing:

(*a*) The number of labourers introduced by him;

(*b*) The place or places at which such labourers are to be employed;

(*c*) Such other particulars as may from time to time be required by regulations;

and there shall be lodged with such return an abstract of the certificate of some medical officer as to the health and fitness for labour of each such labourer.

Labourer not allowed to trade or to acquire, lease, or hold land.

14. No liquor, mining, trading, general dealer, importer, hawker, or other license whatever shall be granted to any labourer or to any person on behalf of or as agent or trustee for any labourer; nor shall it be lawful for any labourer to acquire, lease, or hold, either directly, or indirectly be responsible for, any house, land, building, or fixed property, or any mynpacht, claim, stand or any right whatever to minerals or precious stones, either in his own name or in the name of any person on behalf of or as agent or trustee for him.

Passport to be issued to every labourer.

15. The importer shall on the registration of the contract between him and the labourers introduced by him obtain from the Superintendent for every one of such labourers an identification passport in the form prescribed by regulation, which shall contain a complete record by which the holder may be identified and traced, and shall in any Court of Law be *primâ facie* evidence of the facts therein recorded.

Any importer contravening this section shall be liable on conviction to a fine not exceeding £50, and in default of payment to imprisonment for a period not exceeding six months.

The said passport shall always be carried by the person described therein and shall be renewed on the first day of January of every year. There shall be paid to the Superintendent by the importer on the issue and on every renewal of such passport such sum as may be prescribed by regulations not exceeding two pounds for each year.

Register to be kept by importer.

16. The importer shall cause a register in the form prescribed by regulation to be kept of all labourers introduced or employed by him, and shall enter in the said register all transfers, deaths, unlawful absences from work and desertions occurring amongst such labourers and shall cause a return in the form prescribed by regulation to be made to the Superintendent within the first seven days of every month of the number of labourers introduced by him or transferred to him or by him during the preceding month, the number of labourers actually employed by him on the last day of that month, and the number of transfers, deaths, unlawful absences from work, and desertions which have occurred during such months. Such register shall also contain such other particulars as may from time to time be prescribed by regulation. In the case of the death of any labourer a medical certificate shall be forthwith forwarded to the Superintendent as to the cause of death.

Register kept by importer to be open to inspection.

17. The register kept under the last preceding section shall be open at all times to the inspection of the Superintendent or Inspector, who shall be entitled to demand from the importer such further information as he may require in respect of the entries in the said register and the returns made under the last preceding section.

Labourers must reside on premises on which they are employed.

18. Labourers shall reside on the premises on which they are employed, and shall be provided with accommodation which in the opinion of the Superintendent is sufficient and suitable, and shall be in charge of a Manager appointed by the importer and approved of by the Superintendent.

Labourers must be provided with permits in case they be absent from premises on which they are employed.

19. No labourer introduced under this Ordinance shall leave the premises on which he is employed without a permit in the form and containing the particulars prescribed by regulations signed by some person authorised thereto by the importer, provided that no such permit shall authorise the absence of such labourer from such premises for more than 48 hours from the time when it was issued.

The said permit shall bear the date and hour on which and the periods for which it was issued, and also the name of the labourer to whom it was issued, with his registered number, and shall not authorize the labourer to go outside the Witwatersrand district.

Every person contravening the provisions of this section shall be liable on conviction to a fine not exceeding £10, and in default of payment to imprisonment not exceeding one month.

Production of passport and permit may be demanded from any person suspected to be a labourer by Police.

20.—(1.) It shall be lawful for any inspector under this Ordinance or for any police officer to demand from any person whom he has reason to suspect is a labourer introduced under the Ordinance the production of the passport mentioned in section 15, and if it appears from such passport, on being produced, that such labourer is absent from the premises on which he is employed, such inspector or police officer as aforesaid shall demand from him the permit mentioned in the last preceding section. (2.) Any person failing to produce his passport or permit when asked to do so under the last preceding sub-section, may be arrested without warrant and taken before the nearest Court of Resident Magistrate, and on conviction for being without such passport or permit as the case may be, he shall be liable to a fine not exceeding £10, and in default of payment to imprisonment for a period not exceeding one month. (3.) In a prosecution under the last preceding section of any person not producing a passport when requested to do so, it shall be presumed, until the contrary is proved, that the accused person is a labourer introduced under this Ordinance, and on the payment of any fine or expiration of any term of imprisonment imposed on him, he shall be sent back by the Superintendent to his employer, and in case his employer cannot be found and he refuses to be engaged by an importer as a labourer under this Ordinance, he may be forcibly returned to his country of origin by the Superintendent.

21. The Superintendent shall at least once during every three months transmit to the Lieutenant-Governor (for publication in the Government Gazette) a statement showing, amongst other things: (A) The number and particulars of licenses issued and cancelled; (B) the number of labourers introduced into this Colony and their country of origin; (C) the number of labourers who have been returned to their country of origin, and the causes of such return; (D) the number of labourers who have died and deserted; (E) the number and particulars of families introduced and returned under this Ordinance; (F) particulars of any contravention of this Ordinance.

Return of Labourers to their Country of Origin.

Bond to be entered into by importer for return of labourers to their country of origin.

22.—(1.) Every importer shall prior to the introduction by him of labourers into this Colony enter into a bond in the form in Schedule II. hereto annexed, undertaking to pay the expenses incurred in connection with the return of such labourers to their country of origin, in accordance with their contracts and the provisions of this Ordinance; the said bond shall be secured in such manner as the Superintendent may require.

(2.) The amount of such bond shall be fixed by the Superintendent and shall be sufficient to pay for all expenses in connection with the return to their country of origin of all labourers in respect of whom such bond is entered into.

(3.) If such bond be not entered into by the importer prior to the introduction of such labourers as aforesaid, the license granted to him shall be cancelled and the introduction of the said labourers shall be deemed and taken to be a contravention of section 6 of this Ordinance, and the importer shall be liable to the penalties provided in that section.

23. At least 30 days before the expiration of the term of service of any labourer the importer who is accepting the pecuniary responsibility for the expenses of such labourer's return to his country of origin shall notify the Superintendent of the date on which such service shall expire, and shall take all necessary steps to the satisfaction of the Superintendent for ensuring the immediate return of such labourer to his country of origin, and shall carry out and comply with all such directions as may be issued by the Superintendent as to the place from which such labourer shall take his departure and as to his control while in transit. Any importer contravening the provisions of this section shall be liable on conviction to a fine not exceeding £100, or in default of payment to imprisonment not exceeding six months.

How period of service to be reckoned.

24. In reckoning the term of service of any labourer for the purpose of ascertaining the time when such term expires, all periods of time shall be excluded during which the labourer has been absent from his work for any of the following causes, that is to say:

(*a*) Imprisonment after conviction of any offence;

(*b*) Desertion;

(*c*) Unlawful absence from his work duly certified as such by the Superintendent;

provided that no labourer shall be deemed to have been absent from his work within the meaning of this section on account of any desertion unless he has been duly convicted thereof; and provided further that this section shall not apply to any imprisonment, desertion, or unlawful absence which is not duly recorded in the register required to be kept by the importer under section 16 of this Ordinance and included in the returns made to the Superintendent under the said section.

Labourer refusing to perform service for which he has contracted may be ordered to be returned to his country of origin.

25. If any labourer who has contracted to serve in this Colony shall, on or after his arrival, refuse without good and sufficient reason to proceed to the place where his service is to be performed or to perform such service, he may, at the discretion of the Superintendent and in addition to or in substitution for any penalty provided by this Ordinance, be ordered to be returned to his country of origin.

Return of labourer to country of origin on conviction of an offence.

26. The Lieutenant-Governor may in the event of any labourer being convicted of any offence and sentenced to imprisonment without the option of a fine, order the return of such labourer to the country of his origin at any time during the period of such imprisonment or on the expiration thereof; provided that if such order is not given until after such labourer has completed his sentence of imprisonment the importer may take him back into his service for the unexpired portion of the period for which he has contracted, in which case such order shall be withdrawn.

The Lieutenant-Governor may likewise order the return of any labourer who has been declared of unsound mind by a competent Court, or who has become permanently incapacitated for work by physical infirmity or disease.

How labourers to be returned to their country of origin.

27. In the case of every labourer who, under the conditions of his contract or the provisions of this Ordinance, is required to be returned to his country of origin, the Superintendent shall take all necessary steps for his return at the expense of the importer provided that where any labourer is ordered to be returned to his country of origin on account of any offence committed by him, the importer shall be entitled to deduct the cost of so returning him from any wages then due to him.

Penalty if labourer refuses to return to his country of origin.

28.—(1) Any labourer, liable under his contract or under the provisions of this Ordinance to be returned to his country of origin, who refuses to return may be arrested without warrant and brought before a magistrate, and shall upon conviction be liable to a fine not exceeding £10 and in default of payment to imprisonment for a period not exceeding three months.

(2.) If any labourer sentenced to pay a fine or suffer imprisonment under the last preceding sub-section shall, after the payment of such fine or expiration of the term

of imprisonment as the case may be refuse to return to his country of origin he may be forcibly sent back to his country of origin by the Superintendent.

Regulations.

29. The Lieutenant-Governor may make regulations for any of the following purposes:— Regulations.

(1) For the grant, refusal or revocation of licenses to importers under section 7 of this Ordinance;

(2) For the registration, identification and inspection of all labourers, and for the issuing and renewing of passports to them and for the fee to be charged thereon;

(3) For the execution registration and proper enforcement of contracts with labourers, and of all transfers, renewals or alterations of such contracts;

(4) For the return of labourers to their country of origin under the provisions of this Ordinance;

(5) For the introduction, repatriation, and control of the families of labourers;

(6) For securing correct returns and the keeping of proper registers under section 16 of this Ordinance, and for the proper inspection of such registers;

(7) For the proper control of labourers;

(8) For the medical examination of labourers on arrival in this Colony and during their residence therein; and for such measures as may be necessary to prevent the introduction or spread of infectious diseases;

(9) For the proper housing, clothing, rations and food of labourers and the observance of all requisite sanitary precautions;

(10) For the protection of the property and rights of labourers;

(11) For the care of sick and injured labourers;

(12) For the inspection of the premises on which labourers reside;

(13) For preventing desertion from service by labourers;

(14) Generally for the proper administration of this Ordinance.

30. The Lieutenant-Governor may prescribe the following penalties for the breach of any regulations made by him in virtue of the powers conferred by this Ordinance:— Penalties for breaches of regulations.

(1) In the case of a labourer:

(*a*) A fine not exceeding £20;

(*b*) Imprisonment not exceeding six months;

(2) In the case of any other person:

(*a*) A fine not exceeding £100;

(*b*) Imprisonment not exceeding one year;

(*c*) Forfeiture of any license granted by virtue of this Ordinance;

(*d*) Disqualification from holding any such license in future.

Offences.

Offences against this Ordinance.

31. The following persons shall be guilty of offences against this Ordinance, and shall be liable on conviction to the penalties herein specified in respect of such offences :

(1) Any labourer contravening the provisions of Section 5 of this Ordinance shall be liable to the penalties provided in Section 28.

(2) Any person who in any way aids, abets, or assists any labourer directly or indirectly to contravene, or evade, or to attempt to contravene or evade the provisions of this Ordinance shall, unless otherwise provided, be liable to the penalties provided in Section 6.

(3) Every person who fails to deposit the returns required under section 13 or fails to keep the register, make the returns, or give the information required under sections 16 and 17 of this Ordinance, or who wilfully keeps a false register, or makes a false return, or gives false information, or who being required under section 11 to give notice of the transfer of a contract with any labourer fails to do so, shall be liable to a fine not exceeding £100, and in default of payment imprisonment not exceeding six months.

(4) Every importer who unlawfully withholds any wages or portion of wages earned by a labourer shall be liable to a fine not exceeding £50, and in default of payment imprisonment not exceeding three months.

(5) Any person who employs labourers otherwise than on unskilled labour in the exploitation of minerals in the Witwatersrand district shall be liable to a fine not exceeding £500, and in default of payment imprisonment not exceeding two years.

(6) Any person who knowingly transfers, or attempts to transfer, or procures the transfer of any labourer to a person other than one licensed to introduce labourers and any person who shall employ any labourer not lawfully transferred to him shall be liable to a fine not exceeding £500, and in default of payment imprisonment not exceeding two years.

(7) Any person who shall knowingly sell, lease, or otherwise transfer any house, land, building or fixed property, or any mynpacht, claim, stand, or any right whatever to minerals or precious stones, to any labourer or to any person on behalf of, or as agent or trustee for, any labourer, shall be liable to a fine not exceeding £500, and in default of payment imprisonment not exceeding two years.

(8) Any person who shall knowingly hold, purchase, lease or otherwise acquire or attempt so to do, any house, land, building or any mynpacht, claim, stand, or any right whatever to minerals or precious stones, or shall carry on any trade or business on behalf of, or as agents or trustees for, any labourer shall be liable to a fine not exceeding £500, and in default of payment imprisonment not exceeding two years.

(9) Any person who shall obstruct any duly authorised officer in the discharge of his duties under this Ordinance or any regulations made thereunder shall be liable to a fine not exceeding £50, and in default of payment imprisonment not exceeding three months.

(10) Any person who shall harbour or conceal any labourer who has deserted from the service of his importer, or who has committed any breach of this Ordinance, or who shall aid and abet any labourer to desert as aforesaid, shall be liable to a fine not exceeding £50, and in default of payment imprisonment not exceeding three months.

(11) Any labourer who shall desert from the service of his importer or shall refuse to work for him when required to do so, or who shall unlawfully absent himself from work, or who shall perform any work or carry on any business other than that of unskilled labour in the exploitation of minerals, or who shall enter the service of any person to whom his contract has not been lawfully transferred under this Ordinance, shall be liable to a fine not exceeding £25, and in default of payment imprisonment not exceeding two months.

(12) Any importer who neglects forthwith to report to the superintendent the desertion of any labourer while in his employment shall be liable to a fine not exceeding £50 or to imprisonment for a period not exceeding three months.

(13) Any labourer who shall have any interest, whether as partner or otherwise, in any trade or business, shall be liable to a fine not exceeding £50, and in default of payment imprisonment not exceeding three months.

(14.) Any person who shall give or receive any valuable consideration for the transfer of any labourer contrary to the provisions of section 11 of this Ordinance shall be liable on conviction to a fine not exceeding £500 or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

The foregoing penalties shall be independent of any other punishment to which the offender shall be liable.

Certain laws not to apply.

32. The provisions of the Masters and Servants Law, 1880, of Law No. 3 of 1885, or any amendment thereof and of sections 2 to 8 inclusive of the Peace Preservation Ordinance 1903, shall not apply to any labourer introduced under this Ordinance, or to any contracts made thereunder.

33. (1.) It shall not be lawful for the wife or any member of the family of any labourer or any female belonging to the race or tribe of any labourer introduced into this Colony to enter, be, or reside in this Colony, unless they be respectively introduced by a duly licensed importer under, as far as practicable, the same conditions and restrictions as are provided in this Ordinance for the introduction of labourers.

(2) The family of any labourer introduced into this Colony by any importer under a regulation made by the Lieutenant-Governor and any children of such labourer born in this Colony shall be returned by the importer to their country of origin on the death of such labourer or on the happening of any of the events when under this Ordinance such labourer is liable to be returned to his country of origin and such importer as aforesaid shall give the like security for the payment of expenses incurred in connection with the return of such family as is required under section 22 of this Ordinance.

Introduction of British Indians for employment on railways.

34. Nothing in this Ordinance contained shall apply to the introduction into this Colony by the Lieutenant-Governor of British Indians to be employed on the construction of railways sanctioned by the Governor, or on other public works; provided always that such introduction shall be subject to such regulations as the Legislative Council may approve of; and provided further that the provisions of this Ordinance in respect of the return of labourers to the country of origin shall *mutatis mutandis* apply to such British Indians.

Title.

35. This Ordinance may be cited for all purposes as the Labour Importation Ordinance, 1904 and shall not take effect unless and until the Governor shall proclaim in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter shall come into operation upon such day as the Governor shall notify by Proclamation.

Schedule I.

Amalgamator, assayer, blacksmith, boilermaker, brassfinisher, brassmoulder, brickmaker, overseer, bricklayer, banksman, carpenter, coppersmith, clerk, cyanide shiftsman, drill sharpener, driver of air or steam winch, driver of mechanical or electrical machinery, engineer, electrician, engine driver, fitter, fireman-overseer, ganger, ironmoulder, joiner, mine storeman, mechanic. machinist, millwright, machine sawyer, mason, mine overseer, machine rockdriller, mine carpenter, miller, overseer in any capacity other than the management and control of labourers, onsetter, patternmaker, plumber, painter, plasterer, pipeman, pumpman, platelayer, quarryman overseer, rigger, stonecutter, signaller, skipman, sampler, turner, tinsmith, timberman, timekeeper, wiresplicer, woodworking machinist.

Schedule II.

Know all men by these presents that A.B., of C.D., of and E.F., of , are held and firmly bound unto our Sovereign Lord, Edward VII., by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, in the sum of for each labourer imported by the said A.B.. under a contract dated made under the provisions of the Labour Importation Ordinance, 1904, to be paid to our said Lord the King, his heirs and successors, to which payment well and truly to be made we bind ourselves and every one of us jointly and severally for and in the whole our heirs, executors, and administrators by these presents.

The condition of this obligation is such that if the above bounden A.B. returns the labourers imported by him under the aforesaid contract when required so to do in accordance with the provisions of the aforesaid Ordinance, then this obligation shall be void, otherwise it shall be of full force and effect.

Signed

In the presence of

TRANSVAAL.

FURTHER CORRESPONDENCE

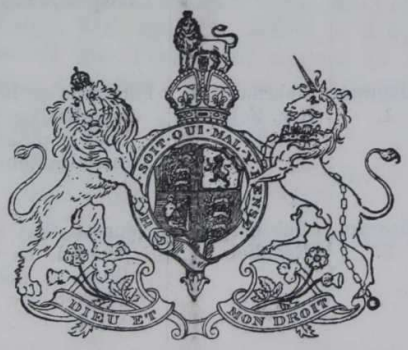
REGARDING THE

TRANSVAAL LABOUR QUESTION.

(*In continuation of* [Cd. 1895] *and* [*Cd.* 1898], *February*, 1904.)

Presented to both Houses of Parliament by Command of His Majesty.

February, 1904.



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1904.

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TRANSVAAL.

FURTHER CORRESPONDENCE

REGARDING THE

TRANSVAAL LABOUR QUESTION.

No. 1.

MR. LYTTELTON to HIGH COMMISSIONER VISCOUNT MILNER.

(Sent 6.45 p.m., January 26, 1904.)

TELEGRAM.

[*Answered by No.* 4.]

January 26. No. 1. With reference to your telegram from Governor of 28th December, No. 1,* am anxious to know how your probable deficit of £350,000 is arrived at.

The figures for railway receipts for the first six months contained in your telegrams of 4th December, No. 353,† 14th December, No. 360,‡ and 16th January, No. 11,§ which will have to be published here directly, taken in conjunction with the figures of revenue and expenditure of the Transvaal, appear to show that the resulting deficit for the year on the same basis will be about £1,300,000.

The figures which give this result are as follows:—

Inter-Colonial Budget: Receipts £1,500,000, made up of net railway revenue £1,300,000, amount carried forward last year £200,000.

Expenditure, allowing for saving of £100,000 on South African Constabulary, £2,930,000.

Deficit £1,430,000.

Transvaal: Revenue £4,100,000, expenditure £4,000,000.

In making calculation of the Transvaal expenditure I have added Crown Agents' expenditure for November and December, £72,000 and £126,000 respectively.

To what extent do you expect to be able to reduce Transvaal expenditure during the present half year, and to what extent do you calculate that there will be an improvement or the reverse in Transvaal revenue and railway revenue?

I presume the smaller deficit which you anticipate is partly accounted for by repayment of loan to Johannesburg Municipality.

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* No. 91 in [Cd. 1895].

† No. 71 in [Cd. 1895].

‡ No. 78 in [Cd. 1895].

§ No. 111 in [Cd. 1895].

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I desire, if possible, to be furnished with sufficient explanations to enable me to justify in Parliament the expectation that the Colony will be able to meet the interest on the Guaranteed Loan falling due in May next.

No. 2.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7 p.m., January 29, 1904.)

TELEGRAM.

(Extract.)

January 28. As regards public feeling, local opposition to the Labour Ordinance is apparently extinct. The Petition in favour of it, bearing 47,000 signatures of males only over 16 years of age, which has been presented to the Council was collected with care, and is entitled to as much consideration as such a method of ascertaining popular opinion ever can be. There is no sign of a Petition on the other side. I know that a Dutch one, emanating from the Cape Colony, was in circulation in the country districts some weeks ago, but am totally unable to discover what has become of it. It certainly has not been extensively signed, and I believe the promoters must have quietly let it drop.

At a fairly large Boer meeting at Pietersburg on Friday last, where every sort of charge against the Government was raked together, the Labour Ordinance was, on the whole, favourably regarded, and the principal speaker even attacked me for not having exercised my supposed absolute power to pass it six months ago. At a long interview I had myself with the members of Krugersdorp Farmers Association, which is the most important Association of the kind in the Colony, I found many members favourable to the measure, while such opposition as existed was due to misapprehensions very easy to remove. On the other hand, while the majority of the Boers are, as I now (have) no hesitation in saying, anxious to see the experiment of Asiatic labour tried, they are not disposed to demonstrate in favour of it. They feel convinced it will be tried, and say "the Government has all the power in its hands. Let it do what it thinks right. Why should we take any responsibility?" This attitude seems to me a natural one. The only marvel is that the violent Boer opposition at the Cape has not, in spite of great efforts of the anti-British press in all the Colonies, produced more effect north of the Orange River. The reason no doubt is that the Bond organization, which is practically perfect in the Cape Colony is only in its rudimentary stages in the Orange River Colony and the Transvaal.

No. 3.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received January 30, 1904.)

SIR, The Governor's Office, Johannesburg, January 11, 1904.

WITH reference to my telegram of the 3rd January, No. 1,* I have the honour to report that, while the Asiatic Labour question continues in the forefront of public discussion in this Colony, there has been no very strong manifestation of opinion with regard to it during the past week. The publication of the Draft Ordinance (see my despatch of the 4th January†) has been received with great placidity, while its provisions appear to be generally approved even by those who are opposed to the principle of the measure.

Every day which passes confirms me in the opinion that, as far as this Colony is concerned, while no one likes the prospect of Asiatic labour, a great majority of the people are disposed to accept it as a proved necessity. This attitude is likely to be strengthened by the latest monthly return of the number of native labourers employed on the mines.

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* No. 92 in [Cd. 1895].

† No. 122 in [Cd. 1895].

Despite the unparalleled efforts of the Native Labour Association to obtain recruits, the extent and earnestness of which efforts no one, whose opinion is entitled to the least consideration, any longer disputes, the number of native labourers on the mines shows, during the last two months, a positive decline. The numbers of natives employed during the present year, according to the official figures, are :—

January	50,499	A fair progressive increase.
February	54,730	
March	60,009	
April	63,370	
May	66,074	A greatly diminished rate of increase.
June	68,064	
July	71,136	
August	72,584	
September	73,025	End of increase : tendency to decline.
October	74,834	
November	74,299	

The official figures for December are not yet published, but, from a statement issued by the Witwatersrand Native Labour Association, there is a falling off for December in the numbers employed by the Companies forming the Association (which Companies represent 90 per cent. of the total of natives employed), of 470.

The significance of the figures lies in the fact that the point of stagnation, if not of absolute decline, has been gradually reached. No one who seriously considers the matter can doubt that, for whatever reason, we have got practically to the maximum of the South African supply under present conditions.

The amount of gold produced was, in the month of—

August	£1,162,141
September	£1,175,716
October	£1,212,935
November	£1,192,778

The official figures for December are not yet available. The Chamber of Mines report the value of the gold output at £1,215,111—a certain increase on the previous month's return. Here, too, after large successive increases in the first two-thirds of the year we have got to the stationary period.

The above figures show, indeed, a very large production, much larger in proportion to the number of native labourers employed than the production before the war. There is no doubt that no stone has been left unturned to economise labour. But there is, unfortunately, also no doubt that to some extent the increase of production in proportion to numbers employed is due to the fact that the mines, in order to tide over a bad time, which they hoped to be temporary, have been putting their energies into crushing work at the expense of development. This means that, without some increase in the number of natives employed, a reduction in the output is bound to set in sooner or later.

I would repeat once more, as I have stated before, that the complete change which has come over opinion in this Colony in the past twelve months with regard to Asiatic labour is due solely to these and similar alarming facts. Misrepresentation and prejudice have sought to obscure them, and for a time with success. Many people, who were deeply averse to the only available remedy, have tried, for a while, to blind themselves to their significance and their consequences. But where argument was useless the steady pressure of hard facts has produced its effect. Volumes might be filled with the discussion which has raged, and still rages, whether there are or are not sufficient black labourers in South and Southern Central Africa to satisfy all our requirements. The fact remains that a sufficient number can not be got, and that there is no prospect of their being got. The immediate outlook is decrease rather than increase. But within no period, which it is possible or of present practical importance to forecast, is there any prospect of substantial increase.

I proceed to note such recent incidents of the controversy, as seem to present some novelty, and to be on that account worth recording. One of these is a declaration of General Botha's, which took the form of an "interview," reported in the irreconcilable Dutch paper, "De Volksstem," of Pretoria. I enclose a translation of that interview. As regards General Botha's statement, that a great majority of the Boers are opposed to Chinese labour, I can only say that it is not in accordance with all that I am able to gather on the subject, nor is it apparent to me, why, if General Botha was of opinion that the feeling of the Boers was so strongly opposed to importation, he found it necessary to "earnestly warn" them against signing petitions in favour of it.

Enclosure "A."

Petitions, both for and against, are, as a matter of fact, being circulated throughout the country. I cannot judge of their importance till they are presented to me. Meanwhile, it is certain that the petitions in favour have obtained a very much larger number of signatures than those against, and that among the signatories of the former class of petitions are many Boers. I am perfectly satisfied that, while a considerable number of Boers are decidedly in favour of importation, those who are keenly opposed to it are a comparatively small body. A great many, probably an absolute majority, must be regarded as neutral, not realising how deeply the question affects themselves. That being the case, it might no doubt be possible still to get up a considerable agitation against importation, if it were made a political question. In the Cape Colony, as you are aware, a violent protest against the introduction of "Chinese" labour forms the staple of Bond electioneering oratory. It is a good popular cry, especially among people who are sufficiently remote from the facts to be moved by a class of arguments, which, up here, on the spot, are now completely discredited. With the Bond working the anti-Chinese cry for all it is worth, and with the anti-British newspapers from Cape Town to the Zambesi fulminating in chorus against Asiatic importation, it is rather remarkable that no more impression has been produced on the Boers either in the Orange River Colony or the Transvaal. But thus far they remain—outside Cape Colony—obstinately indifferent to all the attempts of their journalistic guides to lash them into fury on the subject. The reason, no doubt, is, that in the Cape Colony the majority of the Boers are anti-Asiatic, not from any great personal interest in the matter, but in order to "dish" the Progressives and win the election. In the new Colonies, where there are no elections to win and no Progressives to "dish," such manœuvres do not seem worth their while.

In the Cape Colony, as you are aware, the Progressives have been forced, in their election programme and speeches, to try and compete with the Bond in anti-Asiatic fervour. But it is quite evident that many of them are doing this without conviction, and the declaration that it is not the business of Cape Colonists to dictate to the Transvaal in the matter, but that they should confine themselves to rigidly excluding Chinese from their own country, is more and more becoming a feature of Progressive declarations on the subject. Meanwhile, the underlying feeling finds increasing expression in the Progressive press, some of the leading organs of which, even at this election tide, have the courage to point out the true facts of the case, the exigencies which are forcing the Transvaal to seek recourse to Asiatic labour, and the deep interest which the Cape Colony has in the successful solution of the labour problem in the Transvaal. The "Cape Times" has always shown a very honourable independence in this matter, but it is not now alone in trying to stem the tide of anti-Asiatic feeling. The "Cape Daily Telegraph," a leading paper in the Midlands, takes an equally fair view.

Enclosure "B."*

I am aware that every reference to Press opinion, whether in the Transvaal or Cape Colony, is apt to be met by the statement that that Press is entirely "under the control of capitalists." As a matter of fact, this statement, if it means that the Press in question is obliged to take its cue from what are known as the "mining magnates," is quite untrue. But the untruth has been so constantly repeated that it has by this time made its impression on public opinion, and it is probably waste of time to try and remove it. This false impression must just be accepted as one of the factors permanently tending to prejudice public opinion and to prevent a good many honest people, both here and at home, from seeing straight on many South African questions. But even the hardiest calumniators of the British South African Press have not yet asserted that the mining houses have bought up the Press of Natal. It may therefore be interesting to see what is being said on this subject at Maritzburg and Durban, especially as Natal is at present free from the

* Not printed.

temporary disturbing influences affecting the Cape Colony, and is as well able to judge the question on its merits as any part of South Africa, always excepting that part which is most directly affected. I enclose articles on the subject from the "Natal Mercury," the leading paper at Durban, and the "Times of Natal," which is one of the two chief papers at Maritzburg. It is fair to add that the other important Maritzburg paper, the "Natal Witness," takes a somewhat different view, for, while regarding Asiatic labour as inevitable, it evidently contemplates the prospect of its introduction with great disfavour. Enclosure 'C."*

I will continue to keep you informed of any important manifestations of public feeling on the subject.

I have, &c.,
MILNER,
Governor.

Enclosure "A" in No. 3.

(Translation.)

ACCOUNT OF AN INTERVIEW WITH GENERAL BOTHA.

"De Volksstem," January 6, 1904.

General Botha remains anti-Chinese.

As numerous attempts are being made to produce an impression on the public that General Botha belongs to the party of pro-Asiatics, a representative of the "Volksstem" called upon him yesterday.

General Botha requested our reporter to make a positive statement that he had never once changed the opinion he had openly given utterance to some time ago, namely, that he is to-day more than ever opposed to the introduction of Chinese or any labour of the kind.

General Botha is not in the least convinced by the arguments produced in its favour, and wishes earnestly to warn his friends against signing petitions and against taking part in any political agitation in connection with the conspiracy to import Chinese. He is of opinion that the trade interests of South Africa require that the "native" problem should be solved first, and regulated in a satisfactory manner, and that the available supply of labour can only then be ascertained. The importation of Chinese is, under the present circumstances, therefore, a rash and dangerous experiment, which deserves the disapproval of every true friend of South Africa.

General Botha declared that Mr. Hull had had no authority from him whatever to make any assurance on his (General Botha's behalf) in the Legislative Council. General Botha, nevertheless, entirely concurs in Mr. Hull's statement that by far the majority of the Boer population are opposed to the introduction of Chinese.

Many people—among whom many well-known Afrikanders—are going about among our country people with all sorts of petitions who all say, giving all kinds of beautiful reasons, "Let us please introduce those Chinese."

Our representative availed himself of the opportunity of ascertaining the views of the General on the question. His reply was brief and emphatic: "I am strongly opposed to petitions," said the General. "We have no representative Government to whom we can send these petitions, and for this reason it is impossible for us to take any responsibility upon ourselves with regard to the importation of Chinese."

"This question is possibly going to cause the greatest mischief in our country, and we can in no manner make ourselves accessories. I strongly advise every Afrikander to refrain from signing petitions. The responsibility must rest entirely

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* Not printed.

upon the shoulders of those who wish to bring 'the Yellow Danger' into the country." "Again," concluded the General, "warn the whole Boer population and every man who means it well with this country, to refrain from signing petitions, whether in favour of or against the importation."

No. 4.

HIGH COMMISSIONER VISCOUNT MILNER to MR. LYTTELTON.

(Received 11.10 p.m., February 1, 1904.)

TELEGRAM.

1st February. No. 20. Your telegram of 26th January, No. 1.* I fear the deficit may be nearer £450,000 than £350,000. I arrived at it as follows. Latest estimate of net receipts of railways is £1,400,000. It is true that gross traffic of railways still tends downwards, but on the other hand working expenditure will be also much reduced. It was unduly swollen in first four months of year by error of accounting which caused nearly £200,000 properly belonging to expenditure of previous year to be charged to gross earnings. The accounts have been now thoroughly overhauled, and the above is not, I think, a sanguine estimate. Saving on South African Constabulary will be at least £150,000.

Net result of above is that deficit in Inter-Colonial budget will be £600,000 more than I anticipated. I estimated it at £680,000. It appears to me that now it will amount to £1,280,000. This will have to be borne by the Orange River Colony and Transvaal in the proportion of about £150,000 to former and £1,130,000 to latter. Orange River Colony will have large surplus and will be able to pay its share without drawing upon balances. This is a better result than I anticipated. On the other hand Transvaal would not be able to provide out of revenue as much as £1,130,000. But it will do much better than you seem to calculate.

There is not the least reason to suppose that estimate of expenditure, which was put at £3,600,000, will be exceeded. Of the sums of £72,000 and £126,000 paid by Crown Agents in November and December about three-quarters are postal remittances not chargeable against revenue. Completed accounts up to end November, including Crown Agents payments, show expenditure of £1,473,000, or rather under £295,000 per month. Tendency during remaining six months will be towards reduction rather than increase, so I hope it may work out appreciably under £3,600,000 (but) having regard to possibility accidents I do not like to count on it.

As regards revenue, however, I think I am reasonably sure of £4,300,000. True revenue up to end of December was £2,070,000. General tendency during remainder of year must be downwards, our efforts to relieve labour situation having so far met with failure. But there are two items of which almost the whole falls to be collected during second half-year. There are profit tax, under which I shall get upwards of £200,000 more in second half-year than in first half-year, and native poll tax, under which we shall get some £150,000 more. If there was no general shrinkage on other items we should realize estimate, but I am bound to anticipate such shrinkage, though I think £200,000 is sufficient allowance for it. Thus calculated, Transvaal revenue will show a surplus of £700,000, but as colony will have to find £1,130,000 for Inter-Colonial budget it will be about £450,000 short. Proposals as to meeting this will be made by despatch.

I most strongly deprecate any suggestion for contributions out of Imperial Exchequer. I can certainly avoid that during present financial year. But if I am compelled to rely for a much longer period on about one-third of our available resources I cannot say what may happen afterwards.

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* No. 1.

No. 5.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received February 6, 1904.)

SIR, The Governor's Office, Johannesburg, January 18, 1904.

IN continuation of my despatch of the 11th January,* I have the honour to inform you that, while the question of Asiatic labour continues to be vigorously discussed in the Press of this Colony, and of South Africa generally, nothing has occurred to affect the estimate of the trend of public opinion on the subject, which I submitted to you in that despatch. On the contrary, I am more strongly confirmed in the opinion therein expressed, that the public of this Colony are coming more and more to recognise the necessity of introducing Asiatic labour, and that they approve the proposed legislation of the Transvaal Government to that end. Indeed, I am now prepared to go further, and say that these views are gaining ground in all parts of South Africa.

In my last despatch* I dwelt upon the significance of the attitude of Natal in this matter. The feeling of Natal has been emphasised in the past week by the refusal of the Natal Ministry to support Mr. Seddon's proposed protest against the introduction of Asiatics to work on the mines of the Transvaal, and by the ground on which they justified that refusal, viz., that "additional unskilled labour" was "urgently required for the development of the Transvaal." I have already supplied you with some quotations from the Natal Press, showing that the line taken by the Government of that Colony in this matter is in accordance with the general opinion of the inhabitants. These quotations might be multiplied, but it seems unnecessary to trouble you with many article all to the same effect. I regret, however, that I did not include in those already sent to you an article in the "Natal Mercury," of January 1st, which I now enclose. This article so admirably expresses what I believe to be the cardinal point, viz., that "during the past nine months there has been a revolution of public sentiment in the matter," and that "the majority have yielded to the logic of facts," that I would beg specially to commend it to the attention of people at home, who are not quite so close to the facts and who, therefore, not unnaturally, do not feel the impact of this logic. Enclosure "A."

The realisation of the facts, which has revolutionised opinion in the Transvaal, is producing an increasing effect, even in the Cape Colony. No true estimate of white opinion at the Cape can be formed till the elections are over. Both parties are bidding for the native vote, and the natives of the Cape Colony are admittedly hostile to the idea of Asiatic immigration. This would probably be their attitude in any case, but in the present instance they are frightened, beyond reason, by the absurdly exaggerated colours in which the numbers and character of the immigrants are depicted to them. Despite, however, of all the influences tending to deflect or conceal it, the conviction of the necessity of Asiatic labour for the Transvaal is gaining ground even in Cape Colony. It is, to my mind, a most significant fact that the Progressive Party in that Colony has now authoritatively pronounced against interference with the Transvaal in the matter, while declaring their resolution to prevent Chinese immigration into the Cape Colony itself. The temptation, from an electioneering point of view, to try and rival or excel the Bond in its clamour against the introduction of Asiatic labour into any part of South Africa, was very great. But the underlying conviction, that the necessities of the Transvaal justify such introduction, *for the Transvaal*, has been too strong for purely electioneering considerations to gain the upper hand.

In this connection I enclose a very interesting report of a recent public meeting at Port Elizabeth, at which a resolution was passed protesting against the introduction of Chinese into Cape Colony, but deliberately leaving the door open for their introduction into the Transvaal, and at which several of the speakers supporting that resolution evidently contemplated such introduction with more than equani- Enclosure "B."

* No. 3.

mity. Port Elizabeth, I may observe, is that town in the Cape Colony, which has always been most pronounced in its opposition to Asiatic, and especially to Chinese, immigration.

The Bond Press, of course, carries on its campaign against Asiatic labour for the Transvaal with unabated vigour, and its arguments are repeated by the kindred press of the new Colonies. "Ons Land" and the "South African News" of Cape Town, the "Friend," of Bloemfontein, the "Volksstem," of Pretoria, and all the minor country papers, which take their cue from these leaders of opinion, are incessant, and not a few of them very vehement, in their denunciation of the wickedness of using Asiatic labour on the mines.

The unanimity of the anti-British Press on the subject is, indeed, remarkable. There is not one of the newspapers, which had to be suppressed during the war, and which, since its conclusion, have been assiduous in keeping up bitterness and resentment amongst the Dutch population and in fostering aversion to everything British, which does not exhaust itself in efforts to decry "Chinese" immigration and paint the consequences of it in the blackest colours. I enclose an article from the "Friend" which, in respect of ability and moderation of tone, is a very favourable specimen of this propaganda.

Enclosure „C."

From their own point of view, no doubt, the Bond journalists are entirely right. The prosperity of the Transvaal, and especially of the mining industry of the Transvaal, which is primarily British, is politically obnoxious to them. The exodus of the British working population, which, owing to the stagnation of the mining industry, has already set in and which may, with the continuance of that stagnation, assume much more considerable proportions, is working directly for their political ends.

It is not surprising, therefore, to find the literary spokesmen of Dutch Nationalism so unanimous, and so keen on the subject. What is surprising is the fact that, despite all these efforts to goad the Boer population into excitement and opposition on the subject, that population, at any rate in the new Colonies, remains obstinately placid, and, as far as it is possible to judge, rather favourable than otherwise, to the innovation, which is represented to them as fraught with such dreadful consequences. The mere fact of this passive resistance of the farmers, of their deafness in this instance, to the appeals of the journals, which usually make their opinions for them, is the strongest proof which can be given that in their hearts they have no sympathy whatever with the anti-Asiatic crusade. The fact is that, on the merits of the case, they realise that they have a supreme interest in any measure which can stay the constant appreciation of Kaffir labour and mitigate its really alarming scarcity. Their own favourite remedy for that scarcity is compulsion, but recognising, as the most educated of them do, that compulsion is impracticable, they are anxious to give competition a trial. In this connection I enclose an article from the "Rand Daily Mail," containing a passage which shows how keenly some, at any rate, of the Boer farmers realise this aspect of the case.

Enclosure "D."

One or two Boer meetings have been held during the week, at which resolutions have been passed in favour of Asiatic immigration. They were not very numerously attended, but they were quite representative. I enclose reports of the proceedings. But I must honestly say that I attach far less importance to a few meetings here and there (I believe that meetings might be whipped up on the other side) than I do to the profound calm which reigns throughout the country districts, notwithstanding the desperate efforts made to create a factitious excitement. As far as open expressions of opinion go, whether in resolutions of meetings, or signatures to petitions, more Boers can be shown on the side of Asiatic labour than against it. But what, in my judgment, is far more significant and far more convincing than the fact that a few thousand Boers have ranked themselves with the labour importers, and only a few hundreds against, is that the great mass of the country Boers, the 40,000 or 50,000 in the two Colonies, regard the action of the Government in introducing the draft Ordinance with acquiescence.

Enclosures "E" and "F."

Interesting in this respect is the attitude of the one important Boer paper—"Land en Volk"—which habitually takes its own line and does not conform to the signals of the Bond fuglemen in Cape Town. "Land en Volk" is as outspoken as most of its fellows in its criticism of the Government. It has also always been

particularly rabid in its attacks on "Handsoppers" and "National Scouts." But it looks at all questions, affecting the Boer population, rather from the point of view of the back-country farmers themselves than from that of their self-appointed political guides in the towns. And so, "Land en Volk," the latest leading article from which is enclosed, while it manifests no enthusiasm for Asiatics, and passes certain criticisms in detail on the draft Ordinance, is yet manifestly hopeful of the effect of Asiatic immigration. Enclosure "G."

In conclusion, I enclose articles from two leading morning papers of Johannesburg, urging the necessity of prompt action. The view of these papers, as of the bulk of the British population on the Rand, are, of course, familiar to you. Any importance which might attach to them will be discounted by the cheap criticism that they are "capitalist" organs, although, whoever their proprietors may be, they have both frequently, on other questions, taken views opposed to those of the "magnates," and neither of them was, at the outset and before the extremity of the need was recognised, in favour of imported labour. I do not, therefore, quote them, because they advocate the prompt passing of the draft Ordinance, but because of the illustrations, which they adduce, of the severity of the crisis, from which the Rand, and with it the people and the Government of the Transvaal, and, in some degree, all the South Africa Colonies, are suffering.

I have, &c.,
MILNER,
Governor.

Enclosure "A" in No. 5.

The NATAL MERCURY AND COMMERCIAL ADVERTISER, Friday, January 1st, 1904.

THE VOTE ON CHINESE LABOUR.

We believe that the country generally will endorse the vote of the Transvaal Legislative Council, as constituting a verdict in accordance with the evidence. The motion of Sir George Farrar was carried by a majority of 22 to 4, and we are inclined to think that the figures fairly represent the proportionate strength of opinion on the subject in all parts of South Africa, excepting Cape Colony. The Government of the Cape, yielding to political pressure, have made strong representations to the Imperial Government in opposition, as Sir Gordon Sprigg expresses it, "to the introduction of Asiatics into South Africa." That is scarcely the question before the public. We have Asiatics in the country already, and have had for many years, and Natal is unable to dispense with them. The further importation of Asiatics is a proposal which no one supports from choice, but on grounds of apparent necessity. During the past nine months there has been a revolution of public sentiment on this matter. When the suggestion to import Chinese for the mines was originally mooted, the authors of the movement could not obtain a hearing. The first meeting held on the Rand in advocacy of this solution of the labour difficulty was almost unanimously hostile to the idea, and the two or three dissentients present had to escape furtively from the fury of the crowd. In the same centre of population, sentiment has swung pronouncedly to the other extreme. Of course, there are men who still adhere uncompromisingly to the anti-Asiatic platform, and their case has been ably presented in the Transvaal Legislature. The difference between them and the majority is that the majority have, as Sir Percy Fitzpatrick put it, yielded to the logic of facts. The correct attitude for Natal was laid down by our Parliament, when it declined to do anything that might appear in the nature of dictation to a neighbouring Colony, and we think that the Cape would have been well advised in its own interests, and would better have consulted its own dignity, if it had followed that example. The Cape is as much out of court as Natal in this matter. If the Cape has not actually introduced Asiatics for its own purposes, the Parliament of the Colony long ago passed resolutions in favour of that policy.

THE IMPERIAL GOVERNMENT'S DECISION.

The vote of the Transvaal Legislative Council does not, of course, finally settle the question as to whether the Chinese are coming. The ultimate decision must rest with the Imperial Government, but the resolution passed in Pretoria will carry great weight in determining their judgment. In the appointment of the members of the Legislative Council studious care was taken to insure that all classes and interests in the Transvaal should be as fairly represented as if elective institutions had existed. Mr. Chamberlain always expressed the desire that local opinion should be deferred to as much as it would be under a fully self-governing system, and he laid down this principle particularly in regard to the labour question. There can be no doubt that his successor will act in the same spirit. The agitation over the Chinese question will now be transferred to England. The Radicals have already made it a party question in recent by-elections, and it is decidedly piquant to see some of our rabid Imperialists in this country joining forces in the anti-Chinese outcry with the Radicals and pro-Boers, whom they are never wearied of abusing for their views on other questions. Indeed, the pro-Boers do not on this matter represent their Dutch *protégés*, if we may judge from the impassioned speeches made in the Transvaal Council by the representatives of the farming interest in support of Sir George Farrar's motion. An argument which ought to appeal to the supporters of Mr. Chamberlain's fiscal proposals is advanced by Sir Benjamin Browne, who points

out that the shortage of labour in the Transvaal is doing immense harm to British trade by restricting exports, and keeping English working men idle and hungry for want of South African orders. The question, moreover, has become of Imperial importance by reason of the necessity for providing interest out of Transvaal revenues for the £30,000,000 loan, already floated and guaranteed by the Imperial Exchequer, and the further necessity for facilitating the issue of the £30,000,000 of war contribution which the Transvaal is expected to provide, but certainly cannot provide if the mining industry does not go ahead.

Enclosure "B" in No. 5.

"EASTERN PROVINCE HERALD," Port Elizabeth, 15th January, 1904.

THE CHINESE QUESTION.

MASS MEETING AT THE FEATHER MARKET. THE RESOLUTIONS.

The Feather Market Hall was largely attended last evening on the occasion of a public meeting to consider the question of Chinese Immigration into South Africa.

The chair was taken by His Worship the Mayor (Councillor J. C. Kemsley) and amongst those present on the platform were the Hon. John Pyott, M.L.C., Messrs. A. W. Guthrie, H. Mosenthal, Geo. Newton, Jas. Newton, John McIntosh, E. Rowling, A. H. Brookes, Rev. J. Phillips, Jas. Wynne, Jun., T. Morgan, J. Fox Smith, J. B. Kemsley, T. McWilliams, J. W. Goldsbrough, H. Forbes, and D. Walker (Town Clerk).

THE MAYOR

explained that the meeting was called by the Town Council upon the representation of the Anti-Chinese Immigration Committee of Capetown. The right to the local authority thus to meddle with controversial politics had been freely challenged, and regret had been expressed at the decision of the Council to convene a public meeting to discuss the question of the importation of Chinese labour. Personally he was not in sympathy with the movement, feeling that the movement was inopportune. He recognised that the importation of Asiatics into the Transvaal was practically inevitable, and he had always questioned the right of this Colony to dictate to a neighbouring State, or interfere in any way with its internal arrangements. (Hear, hear.) But the urgent necessity of the Government of the Cape Colony taking immediate and drastic measures in order to safeguard effectually the interests of the Cape Colony forced itself upon his notice, and he felt that something must be done to stay the influx of Asiatics into this Colony either by land or by sea. (Applause.) Therefore he resolved to abide loyally by his colleagues and accept the full responsibility of convening that meeting, and he was prepared to defend their action in giving an opportunity to the community to discuss the question fully and freely. (Applause.) The importation of Asiatics into this Colony had long exercised the minds of South Africans, and long before the necessity of the Transvaal to secure increased unskilled labour was thought of this community made very strenuous representations to the Government of the Cape Colony to keep these undesirable subjects out of the Colony. Ultimately a measure was introduced into the Legislature of the Cape Colony restricting this immigration, and the wholesale influx of Asiatics was stayed for the moment, but they soon found that the Act was inadequate and practically inoperative. Now in strict contrast to the Cape Immigration Act they found the restrictions surrounding the importation of Asiatics into the Transvaal. The Transvaal Ordinance made absolute provision for the employment of Asiatics as unskilled labourers only, their immediate repatriation after their term of contract had expired, the prohibition of such men trading, leasing, or acquiring land, and from living elsewhere than on property of their employers. How different, the speaker continued, would it have been to the Cape Colony had the Government listened to the representatives of this community on this subject, but there was still time for us to put into operation a similar Act to that of the Transvaal, and a draft law had already been prepared by Dr. Jameson, the leader of the Progressive party, which would put this Colony in a position to absolutely exclude this pest from our particular Colony (applause). They all realised the necessity of the Transvaal to obtain adequate unskilled labour in order more fully to develope its mineral and other resources. They admitted that the prosperity of this Colony and of South Africa depended in a very large measure upon the development of the mineral resources and other industries of the neighbouring Colonies. They went further, they admitted that it was politic to remain on friendly relations with our bigger Colonies. They felt they should look at this matter more from an economic, a social, and a moral point of view. The Ordinance which was about to be promulgated made absolute provision to safeguard this Colony from the introduction of Asiatics into this Colony. They would be wanting in their duty if they did not bring all the influences they could upon the Government of this Colony to pass such measures as had been prepared by the leader of the Progressive party to keep the Asiatics out either by land or by sea. He concluded by moving the following resolution, which was received with loud applause: "That the citizens of Port Elizabeth in public meeting assembled, resolved that should the Transvaal decide upon the importation of Asiatic labour in order to further develop its mineral and other resources, the Cape Government be urged to take such steps as will effectively safeguard the interests of this Colony by prohibiting the entry of Asiatics therein either by land or by sea."

SUPPORT AND DISCUSSION.

Councillor George Newton, in the course of a clear and eloquent address, said that he took it they all wanted to see prosperity in South Africa, and they knew that the prosperity of the Transvaal meant the prosperity of Port Elizabeth and the Cape Colony at large. (Hear, hear.) They, as a clear-headed community, could understand that for this necessary condition of affairs to come about the

low grade mines on the Rand must have a plentiful supply of cheap labour. (Applause.) Many of these mines had been closed down because they had not sufficient cheap labour. (Applause.) He thought they would recognise that this was a very important factor in the future history of this Colony as well as the Transvaal. They believed that it was necessary to have cheap labour for these mines and when they considered what it meant to the men who were now walking in the streets of Johannesburg they would not interfere with the Transvaal administration. For every 15 Chinamen employed they must have one white overseer, and it meant that the skilled artisans would be given employment which they did not have at present. (Applause.) He was deeply thankful that they were not taking those steps that their friends in the West were doing. He hoped that this meeting would show their sympathy with the Transvaal people in their troubles, and not put a stumbling block in the way of their future prosperity. (Loud applause). It was a recognised fact that the Transvaal and Johannesburg were good customers of the Cape Colony, and was it reasonable to suppose that they were going to make an enemy of a Colony like the Transvaal by injudicious meddling in their personal affairs. (Applause.) Let them show their practical sympathy with their neighbouring fellow colonists, but at the same time let them in the Cape Colony also show that they did not intend to have any of the Chinese emigrants in this Colony, and that the Transvaal must keep them confined within their own borders. (Applause.) It was for the electors themselves to see that they were kept out of this Colony. (Hear, hear.) This they had not done in the past, and it behoved them to support the Progressives throughout the Colony in making such conditions as would make it impossible for the Chinamen to enter either by sea or by land. (Loud applause.) The speaker said that their political opponents were using this question as an election cry to suit their own ends. Nothing would please these people more than to see the mines fail and the Transvaal gradually fall away under the British administration. Their opponents still hankered after the old ideal, and they were taking up this attitude so that one day they might have another opportunity of regaining that which they had so lately lost. (Applause.) Unless the Progressives in the Cape Colony exerted themselves they would find that their opponents in the future would not take any steps to safeguard the Colony from an Asiatic invasion, as they had already allowed them into the country, and some years ago had actually wanted to import Chinese labour themselves. In conclusion the speaker showed the attitude which Natal had already given expression to by their absolute refusal to meddle with the internal affairs of the Transvaal, and said it behoved them in the Cape Colony to look after their own business and let the Transvaal look after their own. (Loud applause.)

Mr. W. Hammond then mounted the platform and amid a great deal of good-natured opposition and interruption spoke against the motion saying that he had not heard a single reason why the Chinese should be imported into the Transvaal. The speaker causing a great deal of merriment by going into a wealth of unnecessary detail and figures, and was advised by the audience to sit down. The greater part of his speech could not be heard owing to the shouts of the audience, and the speaker was eventually compelled to retire.

Mr. Urie then came forward to enter his protest as a working man against the introduction of Chinese into this or any other Colony. In the course of his remarks he said it would not matter to this Colony if Asiatics were introduced into the Transvaal provided there was a good guarantee that they would not be allowed to come into this Colony, but there was no such guarantee. He contended that those men who were interested in the establishment of large mineral producing factories, or whatever else they liked to call them, had no love for their fellow-men whatever. Referring to what had been said about the labour party belonging to the Bond, he said so far as he was concerned it was a falsehood. He had never had any monetary assistance from any political party in South Africa, the money was his own and his family's. He concluded by expressing the hope that the working men would protest against the introduction of Chinamen into this Colony, and prevent it, as far as they could, going into any other Colony.

A gentleman, whose name was not known, spoke against the introduction of Asiatics into any part of South Africa, but, he continued, he took it there was no necessity for the Cape Colony to interfere at all. (Applause.) He concluded by again saying that he was opposed to the introduction of Chinese into any part of South Africa. (Applause.)

Another gentleman, who spoke from many years' experience of plantations where Chinamen were employed, was strongly against Chinamen being admitted to South Africa. They were the most corrupt set of men he had ever been brought into contact with. He believed plenty of white labour could be obtained if the men were treated as they ought to be, and if the natives of the country were treated in the same way plenty of labour could be found.

Mr. Geo. Brown ascended the platform in response to repeated cries for him to do so. He said he was always under the impression that the reason why the mines could not get labour was because of the ridiculous payment that was given to the natives, but when he found that they were getting £3 10*s.* per month with rations, he considered the employers were offering everything they could to get labour (applause), and if they still could not get labour, then, he said, it was quite time that the Transvaal got any labour they could. (Applause.) What right, he asked, had the Cape Colony to try and dictate to the Transvaal? Would we allow them to dictate to us? And, therefore, he said, they must leave this matter in the hands of the Transvaal. (Applause.) They had been trying to do their best for many years to keep the Chinese out, but the Government had never tried to keep them out. Only last session they passed an Act to keep out undesirables. He would like to know whose duty it was to see that that Act was carried out, for the Chinese had been coming in ever since. (Applause.) He had been told that the Act was not worth the paper it was printed on, and a span of oxen could be driven through it without hurting it. (Applause.) No one more than himself had seen the danger of the Chinese coming into this country, and he blamed the people of P.E. for allowing them to come here. Labourers, artisans and mechanics he continued, did not care a cuss about the shopkeepers that the Chinamen were ruining, and they supported the Chinese shopkeeper, which he considered was a disgrace. (Applause.) He asked, was it possible for an European shopkeeper to fight against a Chinaman who had neither chick nor child. The European shopkeeper, as a rule, had a wife and family. He had to keep them respectable, and he had to educate his children, but the artisans did not care about that, but supported the blooming Chinese shopkeeper because they could get their food cheaper from them. If they were not careful they would

yet have Chinese artisans, and then, he contended, the European artisan would feel the pinch of the shoe. He asked them to put themselves in the place of the Transvaal. They had mines there that could throw out thirty millions of gold per annum if they could get labour. He was going to support the resolution brought up although he was as much against the Chinaman as any man in South Africa. At the same time they were going to do their best to keep the Chinese out of this Colony.

The speaker resumed his seat amid continuous applause, and the resolution was then put to the meeting and carried with only four dissentient votes.

THE SECOND RESOLUTION.

Mr. H. Forbes then moved the second resolution, which was as follows: "That a copy of the foregoing resolution be transmitted to His Excellency Sir Walter Hely-Hutchinson, Governor of Cape Colony, and to the Prime Minister of the Colony." He heartily congratulated the meeting on their decision. (Applause.)

Mr. A. H. Brookes, in seconding, also congratulated the gathering on the unanimity displayed, and said that he could also support Mr. Brown's statement that for years past they had impressed upon the Government the desirability of keeping the Asiatics out of this country. Many meetings of a similar nature as that of to-night—some were even more largely attended—had passed resolutions urging the Government to take action, but the Government had taken no notice (hear, hear). He hoped this resolution would have some effect. Unfortunately they had always sent their previous motions to the Government, but this one was going to be sent to the Governor himself (applause). He noticed that a copy was also being sent to the Premier, who, he thought, would be quite content to let the Chinamen remain in this country. The speaker, in conclusion, hoped that the Chinamen would be kept out of the country (applause).

The Mayor then put the second motion to the meeting, and it was carried unanimously amidst loud applause.

The National Anthem brought the proceedings to a close.

Enclosure "C." in No. 5

"THE FRIEND," 12th and 14th January, 1904.

NO TIME TO LOSE.

Closer study of the Chinese Importation Ordinance strengthens our conviction of the delusiveness of its presumed securities. The earlier portion reads somewhat plausibly, providing that only Government licentiates shall be allowed to import under supervision of Government officials and after depositing securities for repatriation. Also it looks very safe to have it stipulated that the labourers shall do none but unskilled work, must reside on the premises where they are employed, or within a mile thereof, and may neither trade nor acquire fixed property. Further, there is no lack of severity in the penalties provided for infringement of any of the above rules. And yet a closer analysis creates suspicion. Take, for instance, the prohibition of "skilled labour"; it fails to enumerate the forbidden employments, stipulating only that these shall not be of a kind for which kafirs are not used. That prohibition would allow of carpentering, gardening, tillage, and the like. It is true the work to be done by Chinamen must, according to the Ordinance, all be in the direction of exploiting the Rand goldfields. Precisely; the mines will want housing for their employees, and it will reduce cost of production to employ Chinese masons, bricklayers, and carpenters. The mines will again need to feed their labourers, and Chinamen will unquestionably raise mealies and wheat far cheaper than European farmers can. If it be argued that the Chinamen must live on the mines, the answer is that the Ordinance allows of evasion. It stipulates only for residence on or near the actual place of employment. Besides which we must remember that the Ordinance has so far reached only its draft stage. In Committee it will, as the "Leader" opines, "doubtless be susceptible of minor improvements," and we can quite understand the earnestness with which that organ deprecates its being loaded with any further restrictions, which would only make it "more tyrannical in form, without increasing its effectiveness." The fact is, real safeguards (could such be devised) would be fatal to the object of the mine owners by deterring Chinamen from apprenticing themselves. We draw the attention of our readers to a letter written a day or two ago by a Rand Chinaman to a Rand daily, and who asks, in the name of his aggrieved countrymen, for (1) burgher rights; (2) full trading rights; (3) the right to hold fixed property. That shows what the aspiration of Chinamen will be if they come to this country. The necessity of keeping them contented and getting full work out of them will always incline their employers to relax the restrictions on their liberty, just as there will be the constant incentive of gain (not easily resisted by capitalists) to widen the area of their employment.

In the tail, so to speak, of the Draft Ordinance, there appears a provision which, if carefully studied, will be seen to render all safeguards nugatory. In clause 5 of section 25, the Lieutenant-Governor is empowered to make regulations for the "introduction, repatriation, and control of the families of labourers." How will that work out? At the end of three or five years there will be perhaps 50,000 Chinamen who, out of the whole number to be repatriated, possess families making a prospective cargo of, say, 200,000 souls, exclusive of the returning bachelors. In place of this family consignment to be shipped out, another family consignment of equal size will need to be shipped back. Conceive the expense, and how it could be obviated by the simple expedient of letting the families already here remain. The mine owners will plead that it makes no difference to the European community which particular Chinamen are in the country, and we have seen what means the mine owners possess of bending the Rand public to ther will. Thus, having once admitted the families, there will be established a permanent Mongolian population.

The leakage will be enormous, unless we were able and prepared to keep the Chinese families not so much in slavery as in penal servitude for life. The conscience of South Africans would revolt against a social crime of that kind and scale. After all, the Chinamen are human beings, and entitled, once they are admitted here, to the full rights of law-abiding citizens. We have no other safe policy. There exists no analogy to guide us as to how so-called safeguards will work. These contain an admitted element of risk, and what we do know is that all European communities which have once had experience of Chinamen consider only how to keep them out altogether. The warning voices multiply from all quarters, telling us that the Chinaman will be dangerous to us both by his vices and virtues. "He is thundering good," writes Mr. Pickstone, "too good, in fact, to allow the worker of any other race any chance of employment where he is to be hired." Bishop Fowler states, as we yesterday printed, that from the management of banks and steamships down to the manual tasks of mines and factories he is a "menace to every labour market in the world." As to his vices, and their corrupting effect on white populations, especially (sad that it should have to be stated) on certain female classes of those populations, there is the appeal of the Bishop of Adelaide for a crusade against the social rottenness which Chinese immigrants have introduced into the northern towns of Queensland. What, it may be imagined, would be the effect in this country of the influence of Chinamen on our natives? What sort of morals might we expect their opium and their sexual vice to bequeath to the black and tan progeny which they would beget here? Finally, are we prepared to surrender this land, which should be the inheritance of our own children, to a swarming posterity of this description?

These are the consequences to be feared from admitting Chinamen, and the maddening thought is that there exists no reason in the world why we should risk them except it be to enable the mine owners to get a certain amount of gold out of the ground in 20 years instead of 50. Sir Percy Fitzpatrick says, indeed, that if the Chinamen are not brought into the Rand 50 per cent. of the white people now there will have to go out. Travel along the reef, however, and it will be found that even those Europeans who ask for the Chinaman do so as a council of despair, and not without confessed misgiving that his admission will spell their own ejection. The truth is that the Rand holds at present an excessive population, attracted by false advertisements of a "boom." Better all South Africa were taxed to assist the surplus workers until they could find a livelihood, than relieve them (if it would relieve them) by bringing a permanent curse on the country. The question arises, what are we, in this Colony, going to do for our own protection? We may be certain that the evil once admitted into the Transvaal will spread. We should probably next hear our own Government demanding Chinese for railway construction. Then certain farmers would plead they had as good a claim as the capitalists, after which all other farmers would be forced, as a matter of competition, to engage Asiatic labourers. In the end, the country would be ruined. It is incredible that, in these circumstances, the people of this Colony can continue silent. We learn that the Thaba 'Nchu settlers are to have an opportunity of expressing themselves at their meeting next Saturday. They come mostly from the Eastern Province, where many of them were Progressives. We commend to them Dr. Jameson's declaration at Claremont that he was "strenuously opposed to the introduction of Asiatics into any part of South Africa." We hope also to hear the voice of the ex-burghers whose leaders are, to a man, hostile to bringing in the Asiatics. The Cape Colony rings already from one end to the other with meetings of indignation, held among both British and Africanders. If the two races of this Colony will add their protest, it will be seen that South African opinion preponderates heavily against the Chinamen, and the Imperial Government will decree accordingly.

[*Dutch version not printed.*]

Enclosure "D." in No. 5.

"RAND DAILY MAIL," 18th January, 1904.

SETTLERS ON THE LAND.

VISIT TO BURGHER SETTLEMENTS.

AN EMPTY COUNTRY.

FARMERS AND IMPORTED LABOUR.

(From our Own Correspondent.)

Standerton, January 15.

One has heard so much lately about the Burgher Land Settlements in the new Colonies that your correspondent determined to go out and have a look at them himself. Knowing so many of the settlers personally, the trip was one which happily combined pleasure with business, and it had the further advantage of enabling me to pay many visits which had been promised for many months past.

To have hired a cart and horses would have been an expensive item, but an opportunity offered in that Mr. Pitt, of Johannesburg, wished to go out in the same direction with a petition in favour of the importation of coloured labour. This, therefore, was an extra inducement, as it gave a chance of finding out the views of the farmer on the subject of Chinese for the mines.

We started, accordingly, one morning for Vlakfontein, and arrived there at about noon. On the way out the veld was peculiarly noticeable for its brown and parched aspect. Evidently the drought was telling severely in the country. A few, but very few, patches of cultivation were to be seen, and those that we passed near enough to see properly were not at all promising To anyone

used to the crops and cultivation in other countries the land looked very dreary and desolate. Thousands upon thousands of acres were lying unturned, and the remark sprung simultaneously to the lips of both of us: "What a sinful waste of good land."

AN EMPTY LAND.

As far as the eye could see—with the exception of a very occasional farm house—the land was empty, apparently untenanted; not even a few cattle or sheep to break the unending monotony. It is only by travelling over the veld to-day that a man can begin to appreciate the awful ravages that were committed in the late war. But a few years ago the face of the Transvaal was covered with countless herds of stock. The Standerton district was noted for its horse breeding and sheep raising capabilities. To-day, the traveller, on his way, raises sky-line after sky-line and ever the same solitude. The only life a stray "sakerbula" with his long tail displayed artistically, showing off before his mate, by the bank of a wayside waterhole. There is not even any game.

The surprise was, therefore, all the more pleasant when topping a rise we looked down on to a portion of the Vlakfontein Settlement. About ten or a dozen little houses were dotted about on the side of the opposite slope; the cultivated patches were large, and looked beautifully green—a veritable oasis after the desert, and pleasing to the eye, tired of the unending brown just passed through; men were in the fields, and the whole aspect was so different that we could scarcely believe our eyes.

Presently we met a man and asked him the way to the house of Mr. A. Allison, the manager. We were informed it was "just over the rise," the Dutchman's usual expression, which, as regards distance, might mean anything. However, we followed the road as directed, and after about two miles came to the house.

SETTING A GOOD EXAMPLE.

This was prettily situated in the midst of a pleasant little plantation of trees on the side of a dam. A charmingly cool and restful place after the heat and glare outside. We found Mr. Allison busily engaged in ploughing, evidently bent on setting a good example for hard work to the rest of the settlers.

As a start, we discussed agriculture in general and the prospects of the Settlement in particular. We felt somewhat nervous about broaching the Chinese question, for had we not been told by those who knew (sic) that the farmers were bitterly opposed to importation? At last, however, we "screwed our courage to the sticking point" and came out with it.

Our surprise can, therefore, be imagined when he informed us that he and all the men on the farm were entirely in favour. The position of affairs at present, he explained was unbearable. The Kaffir wanted £3 per month, and even if engaged would not work. The want of unskilled cheap labour was slowly but none the less surely ruining the farmer. The small man could not afford to pay £3 and the rich man could not get a sufficiency of labour even at this price.

It was the same story everywhere with but very few exceptions. Farm after farm was visited, and everywhere the same. "The Kaffir is becoming too independent; we must bring him to his knees. I would sign my name thirty, a hundred times were I allowed to."

THE OLD COMPLAINT.

We were astonished. The labour problem was opened up in a new light. We had read and heard the endless discussion that has been raging for the past few months about the scarcity in the mines. Till now we had never realised that there were vast outside districts in the Transvaal which were suffering from the same complaint.

During our three days trip, a distance of about 75 miles, we saw only two Kaffir kraals. One consisted of one hut, and the other of only two. The anti-Chinese will probably put this statement down as a pure fabrication, but it is true none the less. Perhaps if some of them were to make a short tour of this description they would learn a little more than even I have told above.

From Vlakfontein we went to Hendrikspan—also an association farm—zig-zagging on the way to various houses and obtaining signatures. Everywhere the same complaint.

We arrived at Hendrikspan in the evening and were entertained and put up for the night by Mr. Louis Oosthuisen, the manager. He was extremely pleased to see us, especially when we told him our errand.

A GOOD HARVEST.

This farm has about forty settlers on it, about half being "bitter enders" and the remainder "hands-uppers." They seem to live together, however, in the greatest amity, past differences being laid aside so that they may combine together for the present work in hand. And their success has been phenomenal. Their season was an early one, and the rainfall has been good; far better than in other parts. In consequence their crops look very well indeed, and they are already putting large quantities of very fine oat forage on the market. Their mealies were over three feet high. Here, too, was the old complaint about scarcity of labour, and the settlement, to a man, subscribed to the petition.

Next morning we started homewards again, taking a circuitous route and coming back by the Ermelo road. The trip was a very pleasant one, and it gave one a very good idea of the state of the country in general. In the winter, seven of the large farmers in the district intend to go to England and America in order to inspect the latest scientific methods of agriculture as employed in those countries. The enterprise deserves every success, and in a few years time it is to be hoped that the cultivated area of the country will be three or four times greater than it is to-day. That there is room for it is undoubted, for thousands of acres are lying idle. The country gives one the idea of being under-populated. Often the farm houses are several miles from each other, and as it is only just round the houses that a few acres are tilled the intervening veld is bare.

SCIENTIFIC FARMING.

Then, again, the average Boer does not know how to cultivate or farm on modern lines. He sows the mealies broadcast instead of in rows, thereby increasing the labour of sarifying a thousand-fold. Manure he will not hear of, although the country is one mass of bone, thanks to the animals that died on trek during the war.

The Britisher, however, is doing things properly. Armed with theoretical science and practical experience from other lands, he is settling down to work on a proper basis. He uses the latest pattern plough, and sows his seed by machinery. Where the Boer is crying for the Kaffir the other uses the labour-saving machine. The results are apparent even to-day. The Dutchman's crops are choked with weeds whereas the new settler keeps his ground beautifully clean and clear. The difference in growth is very marked. At the beginning the Boer laughed; in the finish it seems that the other will laugh best. But there is a proviso. Let us have rain without hail. Then indeed, will modern scientific methods be justified.

Enclosure "E" in No. 5.

"TRANSVAAL LEADER," January 16th, 1904.

DUTCH OPINION.

MEETING IN HEIDELBERG DISTRICT.

SPEECH BY MR. VAN RENSBURG.

UNANIMOUS VOTE FOR CHINESE.

Heidelberg, January 15 ("Leader" Special).

Mr. Van Rensburg, M.L.C., addressed a meeting attended by 150 Dutch farmers at Beerlaagte last night. The meeting lasted two hours and was most successful. Commandant Buys was in the chair.

Mr. Van Rensburg had a most cordial reception, and carried all before him.

A resolution in favour of the importation of Chinese labour under proper restrictions was unanimously carried.

A further resolution recommending that the present Gold Law should remain unaltered was also carried unanimously.

At the close of the meeting a vote of confidence was accorded to Mr. Van Rensburg, M.L.C., and the other speakers, Messrs. Moodie, Buys, Carpendale, Van der Merwe, Long, and Bester, and Major Moly.

Enclosure "F" in No. 5.

"LEADER," 18th January, 1904.

HEIDELBERG MEETING.

THE LABOUR QUESTION.

A SIGNIFICANT CHANGE.

PRACTICAL UNANIMITY FOR CHINESE.

Heidelberg, January 17 ("Leader" Special).

Mr. Van Rensburg, M.L.C., addressed a crowded meeting here yesterday evening. The Mayor (Mr. Von Gessau) was in the chair.

A resolution in favour of the introduction of Chinese labour was carried, only two persons voting against it.

A resolution recommending the Government to allow the present Gold Law to remain in force unaltered was carried unanimously.

A vote of confidence in Mr. Van Rensburg as the representative of the district on the Legislative Council was also unanimously carried.

The meeting is regarded as fully justifying Mr. Van Rensburg and the other Dutch representatives who supported Sir George Farrar's motion during the recent Parliamentary debate.

Enclosure "G" in No. 5.

(Translation.)

"LAND EN VOLK," Thursday, January 15, 1903 [? 1904].

OUR IDEAS.

THE CHINESE ORDINANCE.

We shall continue to give this name to the Labour Importation Ordinance, the draft of which has now for some time engaged the attention of the public. There has thus been opportunity to judge of the Draft Law and to address memorials to the Government or to the Legislative Council. As far as we know up to now, neither the one nor the other has been done, and the people

therefore appear to have no objection to the proposed Law. It must be said, too, that the securities against the misuse of Asiatic labour are fairly strong. The imported labourers may not be employed for any other work whatever than unskilled labour in the mines. Further, they cannot have any possessions or other rights at all in the country, and their employers must sign a strict bond that they will return the labourers after the expiration of the time of contract. The period is fixed at three years, which may be, at most, prolonged to five years. The creatures imported will thus be prevented from taking root in South Africa. Strict provision is also made for the lodging, &c., of the labourers. The only thing that seems strange here is, it also assumed, that the foreign labourers will bring women and children with them. This is never permitted to natives in our mines, and there is some danger in importing into our country whole families who will not be able to do work here. However, it is just the provision that they can do no work here, and also can get no property here, which will form a security, for the Asiatics will not readily bring out their wives and children when they have to save for their maintenance from their own wages which, too, will not be too high. It is not, therefore, to be supposed that many women and children will come.

The whole supervision over the foreigners will be entrusted to a superintendent with a more or less large staff of inspectors and other officials. Many people will find this a difficulty because by the assistance thus given to the mines further expenditure will be imposed on our not too well-provided Treasury. It is true that a licence of £100 must be paid by the importers of such labourers. The remark, however, has already been made that various mines can unite in one group, so that in the end perhaps only two or three importers' agents will be chosen who can then regulate the distribution of labourers among the various mines. Would it, therefore, not be better to impose a sort of poll-tax on every labourer imported? It is said that 300,000 of them will be wanted, and in that case such a tax need not be very high to bring in a nice little sum for our Treasury. Besides, it has been repeatedly said that the mines will experience such favourable results from the importation of labourers that it is only fair to demand from them a small contribution. It is to be hoped that such a poll-tax will be discussed in the debate on the Ordinance in the Legislative Council. If we are really to have the law, it is to the interest of everybody to make it as good a law as possible.

For the Boer population, which most requires protection, the Law will have this good result that they will be able to get their necessary Kaffir workmen for farm labour. It will, therefore, tend to reduce the competition which exists between industry and agriculture to withdraw as much labour as possible from one another. If this happens it will be one of the most blessed results of this legislation, for agriculture and industry have need each of the other as allies working together, and they must not remain facing each other as hostile competitors. It is satisfactory that most newspapers which formerly protested strongly against the importation of Asiatics are now giving up their opposition and doing their best to support the law. The only opposition is now restricted to the Labour Party, which is under the complete delusion that white men are suited to doing rough underground labour, and to the South African Party in the Cape Colony, which does not perceive that it is just the importation of Asiatics here which will prevent the emigration of Kaffir labour from Cape Colony to the mines. The Cape diamond mines and Public Works too will thus not be deprived of labour.

Enclosure "H" in No. 5.

THE "TRANSVAAL LEADER," Johannesburg, January 18, 1904.

GO AHEAD!

It will cause some surprise and regret that the Labour Ordinance will make no advance in the Legislature this week. We fully understand and appreciate the reluctance of the Government to act with precipitation, and thereby to incur the suspicion of being desirous to thrust ill-digested legislation down the throats of an unprepared people. In the case of legislation undertaken under normal conditions this is a very proper and necessary spirit, and most people will agree that a period of several weeks would not be too long for a draft Ordinance of any general importance to lie open for criticism before it came under discussion. But it seems to us that the Labour Ordinance is not to be judged by the canons applicable to other measures. It is, in the first place, of extreme urgency. Day by day the impossibility of continuing on our present lines becomes more apparent. The monthly increase of native labour predicted by Mr. Perry, and so confidently relied on by the African Labour League, has not for many months been sustained, and during December has actually been converted into a loss. Thousands of claims have been abandoned by those who pegged them. By dint of supreme exertions and by the sacrifice of profits the mine owners—accused of a conspiracy to keep down results—have contrived to maintain an increased output, but the gold product has fallen short of what was hoped for, and is not advancing "pari passu" with the growing requirements of the country. The meeting of the Turf Mines Company is an instructive commentary on the losses being sustained by shareholders; and though it is the fashion to ignore shareholders, we really cannot see how they are to be dispensed with. There is an exodus of the families of the white miners, a process the very reverse of that which it should be our aim to encourage. It is not by such means that the ideal of a white South Africa is to be attained. In passing, it may be observed that this is a cruel criticism on the proposals for the employment of cheap unskilled white labour. If the skilled miner cannot maintain his home on his present means, how shall those working at half his wage keep a home, or how shall British homes be maintained when unskilled labour levels wages down all round? To check this disastrous tendency the cost of living must be reduced, but that can only be achieved by an expenditure which the Government

cannot afford, and by an increased trade and widening of the area of revenue of which there are no signs. Indeed the figures of the revenue for the last five months, which appeared on Saturday, present very disquieting features.

It is, therefore, of pressing urgency that new sources of labour should be tapped, or should be proved unreliable. The gentlemen who still oppose Chinese labour watch the efforts made to obtain it tongue in cheek. They assure us that the Chinese will not come with a smug satisfaction very unsuitable to the serious nature of the present industrial crisis. Well, if the Chinese will not come there can be no possible objection to passing the Ordinance on the part of Mr. Quinn and his friends, while it must be to the general interest of the country that those who rely on the Chinaman should be rescued from their fool's paradise as soon as possible. We are really not in a position to play with illusions any longer. We must either get Chinese labour, or we must be put in a position to know that Chinese labour is unavailable, so that we may try our luck elsewhere. Nor is the existing crisis in the Far East an entirely negligible element in the question. An outbreak of war before our recruiting system had been perfected, and all arrangements with the Chinese authorities completed, might have a serious influence on the success of the experiment, which would be felt in far lesser degree, if at all, once the importation was in full swing. Exactly, then, as America has pushed on with her treaty, so should we take time by the forelock respecting the importation of Chinese labour.

We have alluded to the very proper reluctance of the Government to press forward an Ordinance which has been published but a short time. But we do not think there is any need to be over nice about this point. The precise terms of the law have not, it is true, been long before the country, but no hostile criticism has yet come from those to whom hostile criticism is dear, and so far as can be judged such amendments as may be proposed will be on points of detail, and will in no way affect the principle of the measure. And we would point out that criticism on matters of detail are to be expected only from the Rand. It is to the dwellers in Johannesburg and the neighbouring towns that such questions as the limitation of "premises" or the duration of the leave permits are of interest. Discussion on those points is to be expected, but sufficient time has been given to the parties interested to consider their position and formulate their views. The broader question, which would naturally form the basis of a debate on the Second Reading, has already been threshed out and decided by an overwhelming majority. Had the country been in possession of representative institutions that majority would, of course, have been held amply sufficient to justify immediate legislation. Even as it is, we hold that the bent of the public mind, so far as it has been expressed, amply justifies the assumption that the majority of the Legislative Council reflects the opinions of the people. The self-constituted leader of Dutch thought took emphatic pains to disavow the assertion that he represented the mass of his fellow countrymen as being hostile to the importation of indentured labour. The striking results of Mr. Van Rensburg's tour in the Heidelberg district uphold the wisdom of this disavowal, which is further supported by the alacrity with which the Boers in every section of the Colony have signed the petition circulated by the Labour Importation Association. We have reason to believe that when that petition is made public it will reveal a very marked consensus of opinion in favour of supplementing the native labour supply from abroad; and we would urge on all who view the present situation with concern to append their signatures to the document, to the end that there may be no more unnecessary delay. As for the judgment of those primarily concerned—the owners and workers of the mines, and all the trades and classes which exist or thrive by the prosperity of the mining industry—it has been made amply manifest for months. Those who supported alien labour from the outset have been confirmed in their policy by events; many who opposed it have been converted to a belief in its imminent necessity. It would be instructive were the list of signatories to the manifesto of the African Labour League to be republished—with erasures. For these reasons we hold, and very strongly, that further delay in dealing with the question of labour is unnecessary and dangerous. And we believe that we are giving expression to the voice of the people when we call upon the Government to go ahead.

Enclosure "I" in No. 5.

THE "RAND DAILY MAIL," Monday, January 18, 1904.

FINANCIAL POSITION OF THE COLONY.

THE statement of Transvaal revenue and expenditure for the first five months of the financial year are necessarily disappointing. They would be more so were the railway returns made part of the Treasury statement. Unfortunately, the causes of the serious falling off in the Treasury receipts is traceable to a disease for which, at the moment, there is no remedy. All that can be done is to await the rectification of those conditions—internal and external—that have operated, almost since the beginning of the financial year in July last, to diminish both the volume of trade and the general business of the country. There is too much reason for assuming that the Colony is still going backwards, and that all our hopes in the direction of a revival depend conclusively upon two considerations—externally, the political conditions being favourable to the maintenance of peace in Europe, and internally to the mining industry being supplied, as soon as possible, with a sufficiency of unskilled labour.

A glance at the figures detailing the revenue paid in during the five months ending 30th November shows that, although the total receipts for the period maintained the average estimated, they began in November itself to fall off to an alarming degree. The average monthly estimate of

revenue was £375,000, while the actual receipts during November were only £289,012, or a falling-off of £86,000. If this setback were continued up to the end of the financial term on June 30th, the actual reveuue for the year would be only £3,806,737, or £693,263 under the estimate. As, however, the mines' profits tax has in a large measure still to be collected, and assuming that in the total it will at least provide a sum equal to nearly £340,000 for the year, the all-over shortfall would not be more than £353,000. This in itself would perhaps not be so serious were the Colony not also faced by a proportionate reduction in the railways receipts. As these are not included in the statement under review, we are unable to make use of them for purposes of comparison. It is understood, however, that the diminution is very considerable. The huge sum of a million has been mentioned, and although we have reason for believing that the shortfall is not likely to be nearly so much, it may safely be set down at half-a-million. As, therefore, the Colony will have to bear any revenual shortcomings of the Railway Department, the general financial position will not commend itself to anyone when the loan expenditure to which the Transvaal is committed is borne in mind. Our only chance of recovery during the remaining months of the financial year seems to depend on the alacrity with which Chinese labour can be introduced, and in the commercial improvement and restoration of confidence that are believed to be the natural corollaries to the removal of the chief bar to the expansion of the mining industry. We sincerely trust that we have heard the last of this short-sighted opposition to the immediate introduction of alien labour, and that, if war should break out in the Far East, the Colony may find itself in the comparatively satisfactory position of turning out sufficient gold to meet the world's demands, thus inducing a steady, if circumscribed revival of trade and a degree of general prosperity beside which the conditions now obtaining spell atrophy.

Turning to the expenditure aspect of the outlook, we find that the total issues for the five months amounted to £1,942,918, but that if we were to assume the payments during November to be symptomatic of the forward average, the estimates for the year would be exceeded by no less a sum than £845,322. From this, however, must be deducted a sum of £220,000 paid as compensation to the Hatherley Distillery, so that, should the present depression be continued on to the end of June, the excess of expenditure over the estimate would amount to £625,322. Again we are met with the difficulty of not knowing exactly how the Colony stands with regard to the railways. Assuming, however, that there is no probability of the Department returning a debit balance, the fact remains that the Government must recognise the absolute necessity that exists for retrenching in every possible way. We are aware that for some months past endeavours have been made to reduce Departmental expenditure, and we understand that the Commission which recently toured the Colony with a view to ascertaining where retrenchment could be effected will issue a report in which far-reaching recommendations will be placed before the Government. We are afraid, however, that occasion may be found to go much farther than the Commission's proposals. No doubt there was full justification in the early part of last year, for setting-up departments, the necessity for which would be obvious in a Colony expanding under the influence of marked prosperity, and possessed of a future second to none amongst the new countries of the world. Unfortunately, the position which justified optimistic calculations a year ago has not been justified by events, and the Government may find itself bound to apply the pruning-knife more severely—especially in respect of the South African Constabulary—than even present appearances suggest as being necessary. It is possible, of course, that the position and the outlook may improve almost immediately. That will depend, however, as we have said, whether war breaks out, or a *modus vivendi* is arrived at between Japan and Russia. War would not necessarily mean that Chinese immigration would be stopped at the outset; but it would be calculated to interfere with the supply, and as China would probably be drawn eventually into the struggle the tale of labour obtainable would probably be limited to the number available within the next six or eight months. We may trust, however, that Lord Milner is fully alive to the situation, and that he will meet the financial outlook according to its gravity.

No. 6.

COMMUNICATED BY THE TRANSVAAL CHAMBER OF MINES, FEBRUARY, 1904.

I.

Native Labour.

Natives distributed to mines during January, 1904, by the Witwatersrand Native Labour Association	5,397
Time expired and other wastage	5,471
Nett loss during January	74
Total number employed at end of January	68,767

II.

GOLD OUTPUT, TRANSVAAL, FOR THE MONTH OF JANUARY, 1904.

278,867	ounces for the Witwatersrand District, value	£1,184,552
9,957	ounces for the outside districts, value	42,294
288,824	ounces of fine gold. Total value ...	£1,226,846

being an increase of 2,763 ounces in weight, and £11,736 in value, as compared with the month of December.

The production in December, 1903, was:—

278,710	ounces for the Witwatersrand District, value	£1,183,888
7,351	ounces for the outside districts, value	31,223
286,061	ounces of fine gold. Total value ...	£1,215,111

and in January, 1903:—

192,935	ounces for the Witwatersrand District, value	£819,535
6,345	ounces for the outside districts, value	26,954
199,280	ounces of fine gold. Total value ...	£846,489

No. 7.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 4.15 p.m., February 11, 1904.)

TELEGRAM.

February 11. No. 1. I have been requested to forward to you by telegraph the following communication:—

To the Right Honourable ALFRED LYTTELTON, Secretary of State for the Colonies.

SIR, Pretoria, February 10, 1904.

IN view of your cabled statement in the House of Commons that it was the desire of the Transvaal people to have Asiatic labour for the mines, we beg to remind you that the question has never been submitted to the approval of the people. Speaking in our individual capacities, but yet as fully acquainted with the sentiments of the Boer population, we assure you that the overwhelming majority of them are unalterably opposed to the introduction of Asiatic labour into the Transvaal, under whatever restrictions. The Labour Commission was not an impartial or representative body, nor do we agree with its findings. Many signatures to the petition presented to the Legislative Council in favour of Asiatic labour were improperly obtained. The Legislative Council is in no sense representative of the Transvaal people, and it would be a fatal mistake to introduce Asiatic labour without full popular consent. It would prevent this from ever becoming a white man's country, and it would injure the native population by excluding them from participating in the industrial development of the country. In view of the grave issues involved, we are most anxious that His Majesty's Minister who is directly responsible for the administration of the Transvaal shall not remain under the mistaken impression that the Boer people is in favour of

a measure which is looked upon as a public calamity of the first magnitude, for which the temporary slackness of the labour market forms no excuse.

We have, &c.,

S. W. Burger.
A. D. W. Wolmarans.
J. H. De la Rey.
D. G. E. Erasmus.
H. A. Alberts.
Hans Grobler.
Tobias Smuts.
C. F. Beyers.
P. R. Viljoen.
J. G. Smuts.
C. H. Muller.
C. J. Brits.
Louis Botha.

No. 8.

Governor VISCOUNT MILNER to Mr. LYTTELTON.

(Received 7.25 p.m., 11th February, 1904.)

Telegram.

(Extract.)

11th February. No. 2. Referring to my telegram of to-day, No. 1, the opinion which I have expressed as to the attitude of the Boers generally on the labour question is not affected in the smallest degree by letter. The Boers, so far as they care about or understand it at all, are not unfavourable, on the merits, to imported labour under restrictions, and many of the more progressive are strongly in favour of it. But I have never concealed from myself or from you that if they saw a chance of making political capital out of the opposition to imported labour the temptation would be too strong.

No. 9.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 13th February, 1904.)

13th February.—Your telegram of 11th February, No. 1*, I desire that you will inform those who signed the letter that I have duly received it, and that I have requested you to make the following reply on my behalf:—

The opinion expressed in their letter is of the same character as that conveyed to my predecessor by a resolution passed at a meeting at Heidelberg on 2nd July last,† at which several of those who have signed the letter were present. The resolution represented that a measure for the introduction of Asiatics into the country as a labouring population was one which ought not to be adopted until such time as the white population of the Transvaal should be able to decide thereon under self-governing institutions, especially as no conclusive proof had been given that the labour capacity of South Africa was not sufficient for the demands then existing.

Since this resolution was forwarded the Labour Commission has reported, and the report and the evidence of Boers, as well as of other witnesses before the Commission, in my opinion have proved incontestably that there is a shortage of labour for the farms as well as for the mining industry in the Transvaal.

My opinion is fortified by the speeches and votes in the Legislative Council of all the Boer members who were present at the debate and division on the subject.

The remedies for the shortage of labour, recommended by Boer witnesses who appeared before the Commission, were the enforcement of the Squatters' Law, the breaking

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* No. 8.

† See page 53 of [Cd. 1895].

up of native reserves and locations with a view to compelling the natives to work on farms, or the adoption of some form of forced labour. Having regard to the competition of the mines the real effectiveness of the first expedient is not assured, and the two latter are obviously impossible.

In the case of the mining industry, the mainstay of the prosperity of the country, it is abundantly clear that the supply of labour now and in the near future cannot be obtained from existing South African sources.

This being so, the Transvaal Government could not sit still and do nothing till a decision could be taken under self-governing institutions. The critical nature of the existing circumstances does not admit of the delay involved in the adoption of this policy, and on the urgency of the situation is based the strong demand for Asiatic labour by the majority of the white population, to whom the Transvaal Government, in fulfilment of the promise of His Majesty's Government that they would be guided in this matter by the opinion of the Transvaal, has given every available opportunity of expressing its views.

In the absence of stronger evidence than is furnished by this letter, I cannot admit the claim of its writers to speak on this subject on behalf of the overwhelming majority of the Boer population, and whatever weight might attach to their opinions is greatly reduced by the fact that they have abstained from coming forward until it is no longer possible to subject their views to the test of public discussion.

Nor can I recognise as well-founded the grounds on which they base their objections to Asiatic labour.

Both in debate and in the evidence before the Commission, it has been shown that the effects which they apprehend cannot reasonably be anticipated, and that there is, on the contrary, good reason to hope that the success of this experiment will largely supplement the supply of native labour on the farms and materially improve the position and prospects of the Boer population.

TRANSVAAL.

FURTHER CORRESPONDENCE

REGARDING THE

TRANSVAAL LABOUR QUESTION.

(*In continuation of* [Cd. 1899] *February* 1904.)

Presented to both Houses of Parliament by Command of His Majesty.
March, 1904.

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1904.

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TRANSVAAL.

FURTHER CORRESPONDENCE

REGARDING THE

TRANSVAAL LABOUR QUESTION.

No. 1.

GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE) to MR. LYTTELTON.

(Received January 30, 1904.)

SIR, Government House, Cape Town, January 13, 1904.

I HAVE the honour to transmit to you, in continuation of my despatch of the 6th January last,* copies of resolutions protesting against the introduction of Asiatic labour into South Africa.

I have, &c.,
WALTER HELY-HUTCHINSON.

SCHEDULE OF ENCLOSURES.

(1.) Letter from Mr. J. A. Sishuba, forwarding resolutions passed by the inhabitants of Hackney, in the Division of Queenstown. December 31, 1903.
(2.) Letter from Mr. A. W. T. Brigg, forwarding resolutions passed by the inhabitants of Rhodes, Barkly East. January 2, 1904.
(3.) Letter from Mr. J. A. Sishuba, forwarding resolutions passed by the inhabitants of Oxkraal, Queenstown. January 4, 1904.
(4.) Letter from Mr. Amos Bailey, forwarding resolutions adopted at a meeting of ratepayers and inhabitants of the town of Woodstock. January 5, 1904.
(5.) Letter from Town Clerk, Tarkastad, forwarding resolutions passed by the inhabitants of Tarkastad. January 7, 1904.
(6.) Letter from Mr. J. A. Sishuba, forwarding resolutions passed by the native inhabitants of Kamastone. January 7, 1904.
(7.) Resolutions passed by the coloured people of the Beaconsfield Branch of the South African Political Organization.

(1.)

Kamastone, Queenstown.

MAY IT PLEASE YOUR EXCELLENCY,

I AM desired by a meeting of native inhabitants of Hackney, Oxkraal, in the Division of Queenstown, held on the 30th day of December, 1903, at Hackney, to

* No. 123 in [Cd. 1895] Feb. 1904.

convey to Your Excellency the accompanying resolutions against the importation of Asiatic labour into South Africa, and to ask Your Excellency to be so kind to transmit them to the Secretary of State for the Colonies, to submit them to His Most Gracious Majesty the King.

I am, &c.,
JOHN ALF. SISHUBA.

December 31, 1903.

The meeting of native inhabitants, held at Hackney, Oxkraal, in the Division of Queenstown, Cape Colony.

The chairman, Headman Wm. Mtombeni.

About 100 representative men, representing about 3,000 men.

The following resolutions were proposed by Mr. John Alf. Sishuba, seconded by Headman Makubalo Ntlabati, and carried unanimously.

Resolution No. 1.—"We, the people of Hackney, Oxkraal, and Kamastone, hereby most respectfully protest against the proposed introduction into South Africa of Chinese labour, as tending to do away with the existing rights of labour and to stop our progress in civilization and industry."

Resolution No. 2.—"We earnestly implore our Most Gracious King to refuse permission for such importation, in the best interests of the many thousands of natives of South Africa."

Resolution No. 3.—"That these resolutions be forwarded to His Excellency the Governor, to be sent to the Secretary of State for the Colonies."

Resolution No. 4, proposed by Mr. Elias Makalima, and seconded by Mr. Skulume Qundeni:—

"That the meeting instruct and appoint Mr. John Alf. Sishuba to send these resolutions on behalf of the meeting."

Carried unanimously.

JOHN ALF. SISHUBA.

December 31, 1903.

(2.)

MAY IT PLEASE YOUR EXCELLENCY, Rhodes, Barkly East, January 2, 1904.

ACTING on instructions from a public meeting held here on the 26th ultimo, I have the honour of sending herewith copy of three resolutions passed unanimously at the meeting, for your perusal and kind forwarding to the Honourable the Secretary of State for the Colonies.

Trusting this will be in order,

I have, &c.,
A. W. T. BRIGG,
Hon. Secretary.

His Excellency the Governor,
Cape Town.

RESOLUTIONS passed at a Public Meeting held at Rhodes, December 26, 1903.

1. That this meeting protests most strongly against the proposed injustice to the whole population of South Africa, through the importation of Asiatic labour for the mines; and this meeting binds itself to do all in its power to prevent such importation. Should the scheme be carried out, after all the protests against it, we will not spare any trouble in getting such immigrants sent back to their own country.

2. This meeting earnestly appeals to all who have interest in this country and its future welfare, prosperity and unity under the British flag, to work with this

meeting against a measure that will alter the whole character of our population, and be a mortal drawback to our prosperity.

3. That the Secretary be instructed to send copy of these resolutions to His Excellency the Governor, for transmission to the Honourable the Secretary of State for the Colonies.

(3.)

MAY IT PLEASE YOUR EXCELLENCY, Hukuwa, Kamastone, Queenstown.

I AM desired by a meeting of native inhabitants of Oxkraal to convey to Your Excellency the accompanying resolutions they passed at their meeting, and to request, on their behalf, Your Excellency to be so kind to transmit them to the Right Honourable the Secretary of State for the Colonies.

I am, &c.,
JOHN ALFRED SISHUBA.

4th day of January, 1904.

His Excellency the Governor,
Government House,
Cape Town.

The meeting of native inhabitants held at Eardley, O. C. Kraal, in the Division of Queenstown, Cape Colony, on the 31st day of December, 1903.

The chairman, Mr. Fauni Kutta.

125 representative men, representing about 3,800 inhabitants.

The following resolutions were proposed by Mr. John Alf. Sishuba, seconded by Mr. Charles M. Kumatela, and carried unanimously:—

1. That we, the people of Oxkraal, hereby most [*See* Resolutions in (1)].

4. Proposed by the Rev. Jonathan S. Mazwi, seconded by Mr. Solomon Majiyezo:—

That the meeting instruct and appoint Mr. John Alf. Sishuba to send these resolutions on behalf of the meeting.

Carried unanimously.

On behalf, &c.,
JOHN ALF. SISHUBA.

January 2, 1904.

(4.)

YOUR EXCELLENCY, Albert Road, Woodstock, January 5, 1904.

I HAVE the honour to forward to Your Excellency two resolutions unanimously adopted at a meeting of ratepayers and inhabitants of the town of Woodstock, convened for the purpose of discussing the question of the importation of Chinese into South Africa, together with the request that you may be pleased to transmit copies of the same to His Majesty's High Commissioner for South Africa, and the Secretary of State for the Colonies.

I have, &c.,
AMOS BAILEY,
Chairman of the Meeting.

To His Excellency the Governor,
Sir Walter Hely-Hutchinson, G.C.M.G.

RESOLUTIONS adopted at a Meeting of Ratepayers and Inhabitants of the Town of Woodstock, held on Monday, the 4th January, 1904.

1. That this meeting of ratepayers and inhabitants of Woodstock place on record their earnest conviction that the entry of large numbers of Chinese into any portion of British South Africa, and the flooding of this Colony with undesirable aliens, will be most injurious to, and retard the progress and welfare of His Majesty's British white and coloured subjects, and prays the Imperial Government to withhold their sanction from legislation calculated to facilitate such introduction.

2. That a copy of this resolution be forwarded to His Excellency Sir Walter Hely-Hutchinson, Governor of this Colony, with the request that copies of the same be forwarded to His Majesty's High Commissioner for South Africa, and the Secretary of State for the Colonies.

(5.)

YOUR EXCELLENCY, Tarkastad Municipality, January 7, 1904.

AT a public meeting of inhabitants, held on 26th December, the enclosed resolutions were unanimously carried, and I am instructed to forward them to you, with the request that you will kindly submit them to the Honourable the Secretary of State for the Colonies.

I have, &c.,
C. JOHNSTONE,
Town Clerk,
Tarkastad Municipality.

To His Excellency the Governor,
Cape Town.

A. "This meeting records its emphatic protest against the wrong that it is proposed to inflict on the whole South African community by the introduction of Asiatic labour for work at the mines, and it pledges itself to resist such importation by every possible means, and if carried out in disregard of the views expressed in a constitutional manner by the Legislature of this Colony, to use its utmost endeavours to obtain the repatriation of such immigrants."

B. "This meeting calls on all who love their country and who desire its future development upon the lines of similar free communities under the British flag, to join in strenuous opposition to a step which will alter the whole character of the population and place a fatal obstacle in the way of its future progress."

C. "That the foregoing resolutions be sent to His Excellency the Governor, to forward to the Secretary of State for the Colonies."

(6.)

Kamastone, Queenstown,
MAY IT PLEASE YOUR EXCELLENCY, January 7, 1904.

I AM instructed by a meeting of native inhabitants of Kamastone, held at Kamastone on the 7th day of January, 1904, to most respectfully approach His Excellency the Governor by a letter requesting Your Excellency to forward the accompanying resolutions passed by them to the Right Honourable the Secretary of State for the Colonies.

I am, &c.,
JOHN ALFRED SISHUBA.

To His Excellency the Governor,
Government House,
Cape Town.

The meeting of native inhabitants, held at Kamastone, in the Division of Queenstown, Cape Colony, on the 7th day of January, 1904.

The chairman, Mr. Adam Langa.

About 105 representatives, representing about 4,500 inhabitants.

The following resolutions were proposed by Mr. Barnabas Sokabo, seconded by Mr. Silwana Nkopo, and carried unanimously.

1. "That we, the people of Kamastone, hereby most respectfully protest against proposed importation [*See* resolutions in (1)].

4. Proposed by Mr. James Lutu, seconded by Mr. Thomas Melamane, and carried unanimously:—

"That Mr. John Alfred Sishuba be authorised to send these resolutions to His Excellency the Governor."

On behalf, &c.,
JOHN ALFRED SISHUBA.

January 7, 1904.

(7.)

South African Political Organization, Beaconsfield Branch,
In the Electoral Division of Griqualand West.

To His Excellency Sir W. HELY-HUTCHINSON,
Governor of the Colony of the Cape of Good Hope, &c.,

MAY it please Your Excellency to accept the following resolutions passed at a recent meeting held of coloured people of the Beaconsfield Branch of the South African Political Organization, for transmission to His Majesty's High Commissioner and Secretary of State for the Colonies.

Resolution I.—"That this meeting of the Beaconsfield Branch of the South African Political Organization views with grave apprehension the action of the Transvaal Legislative Council, in passing a measure for the introduction of Chinamen into His Majesty's Colony of the Transvaal, and strongly protest against such importation, as inimical to the interest of the coloured race."

Resolution II.—"We trust that our protest will not fall on deaf ears, but that His Majesty will hearken unto the voice of his millions of loyal coloured subjects, who see in the introduction of Chinamen the greatest evils, for the peace, welfare and elevation of the coloured race."

Resolution III.—"That a copy of the foregoing resolutions be forwarded to His Excellency Sir W. Hely-Hutchinson, for transmission to His Majesty's High Commissioner and to the Secretary of State for the Colonies."

Signed, on behalf of the Executive of the South African Political Organization,

THOMAS MILTON,
President;
WILLIAM HUNTER,
Vice-President;
A. G. FRANCKE,
Hon. Secretary;
South African Political Organization.

Address:—
A. G. Francke,
No. 3, Elbow Street,
Kimberley.

No. 2.

GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE) to MR. LYTTELTON.

(Received February 8, 1904.)

Government House, Cape Town, January 20, 1904.

SIR, I HAVE the honour to transmit to you, in continuation of my despatch of the 13th January last,* copies of resolutions protesting against the introduction of Asiatic labour into South Africa.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 2.

SCHEDULE.

1. Letter from Town Clerk, Cradock, 11th January, 1904.
2. Letter from Mr. J. P. L. Volsteedt, forwarding resolutions passed at a gathering of the Midden-Zwartland Branch of the Bond. 14th January, 1904.
3. Letter from Mr. J. A. Sishuba, forwarding Petition of the native inhabitants of Kamastone and Oxkraal, 15th January, 1904.
4. Letter from Town Clerk, Port Elizabeth, 16th January, 1904.
5. Minute from Ministers, No. 1/24, forwarding Resolutions passed at meeting held at Burghersdorp, 11th January, 1904.

No. 1.

Town Clerk's Office, Cradock, January 11, 1904.

SIR, I HAVE the honour to hand you, under cover, copy of a resolution passed by a meeting of the inhabitants of Cradock and District, held upon Saturday last, the 9th instant, protesting against the introduction of Chinese labour into British South Africa, and I have the honour to request Your Excellency to forward the same to the Secretary of State for the Colonies.

I have, &c.,

Town Clerk.

To His Excellency
Sir Walter Hely-Hutchinson,
Government House,
Cape Town.

COPY of a RESOLUTION adopted at a Meeting of Citizens, held in the Town Hall, on Saturday, 9th January, 1904.

That the inhabitants of Cradock view with extreme concern the possibility of the introduction of Chinese labour into British South Africa, and place on record their earnest conviction that the entry of large numbers of Chinese into any one Colony would be to the detriment of the whole of South Africa, that such entry would be a hindrance to the prosperity of the white and coloured population of this country, and that it would seriously injure the aboriginal inhabitants of this part of the Empire, by retarding their natural development in the paths of industry and civilisation: That the inhabitants of Cradock pray that the Imperial Government will withhold sanction from any legislation introduced in any Colony of British South Africa, not enjoying Representative Government, to facilitate the importation of Chinese labour into British South Africa.

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* No. 1.

No. 2.

To His Excellency
Sir Walter F. Hely-Hutchinson,
Governor of the Colony of the
Cape of Good Hope, &c.

EXCELLENCY,

AT the request of the Secretary of the Midden-Zwartland Branch of the Bond, I have the honour to send you a copy of two resolutions adopted at a gathering of the Midden-Zwartland Branch of the Bond, held on the farm "Uitkyk," on the 8th January, 1904, for transmission to the Right Honourable the Secretary of State for the Colonies.

I have, &c.,
J. P. L. VOLSTEEDT.

Cape Town, January 14, 1904.

COPY of TWO RESOLUTIONS taken at a Meeting of the Midden-Zwartland Branch of the Afrikander Bond, at Farm "Uitkyk," on the 8th January, 1904.

Resolution No. 1.

This meeting strongly protests against the importation of Asiatics in British South Africa, as being very detrimental to the interests of the white as well as of the coloured population of South Africa. Proposed by Messrs. J. Smuts and Stefanus Loubser, and unanimously adopted.

Resolution No. 2.

A copy of this resolution be sent to the Secretary of State for the Colonies, for submission to His Majesty. Proposed by Messrs. J. Smuts and A. van Aarde, and unanimously adopted.

No. 3.

His Excellency
The Governor,
Government House.

YOUR EXCELLENCY, Hukuwa, Kamastone, District Queenstown.
MAY IT PLEASE YOUR EXCELLENCY,

I AM requested by the native inhabitants of Kamastone and Oxkraal to ask Your Excellency to be so kind to transmit this their petition to the Secretary of State for the Colonies.

Your obedient Servant,
JOHN ALF. SISHUBA.

January 15, 1904.

TO HIS MOST GRACIOUS MAJESTY EDWARD THE VII. by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

MAY IT PLEASE YOUR MAJESTY:

We, the undersigned, inhabitants of the Colony of the Cape of Good Hope, most humbly beg to lay before Your Majesty this our petition.

We have noticed with alarm and dismay that a proposal has been made to seek the permission of Your Majesty's Government for the importation and employment of Asiatic labour in the gold mines situated in that part of Your Majesty's dominions known as the Transvaal, and also in those territories administered under Your Majesty's Royal Charter by the British South Africa Company, known as Rhodesia. Your Petitioners represent a Colony containing the largest European community in South Africa, as well as vast numbers of aboriginal natives and persons of

colour, and they have for many years enjoyed the privileges of self-government open to every class and colour.

During the last session of the Colonial Parliament both Houses of the Legislature passed unanimously resolutions protesting in the strongest terms against the proposed introduction of Asiatic immigrants.

Your Petitioners are concerned to see that, despite the action of their Parliament, the efforts of the mine-owners to introduce this class of labour have not ceased, and that it is shortly proposed to seek the necessary authority from Your Majesty's Government to carry out their intent. For this reason Your petitioners crave leave most humbly to lay before Your Majesty some of their objections to these proposals. Regarding as they do the interests of the whole of Africa as one and indivisible they consider that the introduction of Asiatic labour into any part would bring a new element into a population already weighted with a heavy responsibility arising out of a mixture of races, and would assuredly tend to frustrate the efforts that are being made, not without success, to civilise and elevate the aboriginal natives by means of honest industry.

Such an immigration, hampered and restricted as it is proposed to be by stringent regulations, would, even if it were possible to enforce such regulations, which is doubtful, introduce a servile element, alien to the country, destitute of rights or interests either in the present or future of South Africa, and worked for the benefit of masters, in many cases non-resident, thus constituting what would practically be a slave state, in close contact with the other free communities of South Africa.

Your petitioners feel that the introduction of such a class of labour would place an obstacle in the way of the natural growth alike of European and native elements in the population.

They dread that, following the experience of other communities which have been subjected to similar inroads, the newcomers would tend to oust the existing population from trade, occupation and eventually from the ownership of land, and that the result would be to assimilate South Africa to an Asiatic dependency.

Your petitioners most respectfully take leave to record their opinion, that the introduction into this country of persons with alien morals, creeds, and habits of life would operate as a fatal bar to the civilisation and settlement of this portion of Your Majesty's dominions.

Such an importation would decide whether South Africa is in future to constitute one of those great free communities under the British flag, the growth of which shed so much lustre on the reign of Your August Predecessor, or whether it is to be ranked as a mere plantation worked in the interest and for the benefit of foreign holders.

Your petitioners therefore most earnestly pray that Your Majesty may be pleased to withhold your sanction from any measure having for its object the importation of Asiatics into South Africa, and by so doing save them and those who may come after them from consequences that will be fatal to their peace and prosperity.

And your petitioners, as in duty bound, will ever pray.

JOHN ALF. SISHUBA,
and 380 others.

No. 4.

IMMIGRATION OF ASIATICS.

Town Clerk's Office, Port Elizabeth,
Cape of Good Hope, January 16, 1904.

SIR,

I HAVE the honour, by direction, to forward through you to His Excellency Sir Walter Hely-Hutchinson, Governor of the Colony of the Cape of Good Hope,

copy of a resolution passed at a public meeting of citizens, held on 14th January, 1904, *re* the question of Asiatic immigration.

I have, &c.,
DAV. WALKER,
Town Clerk.

The Private Secretary
To His Excellency the Governor
of the Cape of Good Hope,
Government House, Cape Town.

RESOLUTION passed at a Public Meeting of the Citizens of Port Elizabeth, held in the Feather Market Hall, on Thursday, 14h January, 1904.

His Worship the Mayor (Mr. Councillor J. C. Kemsley) in the Chair.

Immigration of Asiatics.—It was moved by His Worship the Mayor, and seconded by Mr. G. Newton, that the Citizens of Port Elizabeth, in Public Meeting assembled, resolve that should the Transvaal decide upon the importation of Asiatic Labour in order to further develop its mineral and other resources, the Cape Government be urged to take such steps as will effectively safeguard the interests of this Colony by prohibiting the entry of Asiatics therein either by land or by sea, which resolution was carried unanimously.

DAV. WALKER,
Town Clerk.

No. 5.

MINISTERS to GOVERNOR.

(Minute, No. 1/24.)

Prime Minister's Office, Cape Town, January 19, 1904.

Ministers have the honour to transmit, for the information of His Excellency the Governor, the accompanying copy of a letter, dated the 11th instant, from the Town Clerk of Burghersdorp, communicating certain Resolutions adopted at a Meeting of householders held at Burghersdorp, on the 7th January, 1904, relative to the introduction of Chinese labour into British South Africa.

T. LYNEDOCH GRAHAM.

Re Chinese Labour.

Town Office, Burghersdorp, January 11, 1904.

SIR,

I HAVE the honour to forward herewith copies of Resolutions unanimously adopted at a large public meeting held at Burghersdorp on the 7th instant, and to request that you will be good enough to forward the same to His Excellency the Governor of this Colony, with the request that copies be forwarded to His Majesty's High Commissioner for South Africa, and the Secretary of State for the Colonies.

I am further to request that the Government will do all in its power to give effect to the said Resolutions.

I have, &c.,
A. W. FINCHAM,
Town Clerk.

The Honourable
The Colonial Secretary,
Cape Town.

RESOLUTIONS unanimously adopted at a Meeting of Householders, held at Burghersdorp, on the 7th January, 1904.

Town Office, Burghersdorp, January 11, 1904.

(1) That the inhabitants of Burghersdorp view with extreme concern the possibility of the introduction of Chinese labour into British South Africa, and place on record their earnest conviction that the entry of large numbers of Chinese into any one

Colony would be to the detriment of the whole of South Africa; that such entry would be a hindrance to the prosperity of the white and coloured population of this country, and that it would seriously injure the aboriginal inhabitants of this part of the Empire by retarding their natural development in the paths of industry and civilization.

(2) That the inhabitants of Burghersdorp pray that the Imperial Government will withhold sanction from any legislation introduced in any Colony of British South Africa, not enjoying Representative Government, to facilitate the importation of Chinese labour into South Africa.

A. W. FINCHAM,
Town Clerk.

No. 3.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 12.20 p.m., February 8, 1904.)

TELEGRAM.

(Extract.)

February 8. No. 1. Matter most urgent. In view of the fact that British Indians are not to be introduced for labour in the mines, so that Ordinance as a whole will not be applied to them, His Majesty's Government are prepared to waive objection to Clause 34 of the Ordinance, which should, however, be regarded as a temporary provision, to remain in force pending such further legislation affecting British Indians as may be adopted at a later date.

No. 4.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 11.5 a.m., February 11, 1904.)

TELEGRAM.

February 11. No. 1. Question to be asked in House of Commons, 15th February, whether, as requested in my telegram, No. 2, 16th January,* express provisions have been introduced into Labour Importation Ordinance for treatment and care of labourers on voyage out and home. I am answering that no express provision is made, and that I am informing you that adequate provision will have to be made by Regulation.

No. 5.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 11.15 p.m., February 13, 1904.)

TELEGRAM.

[*Answered by No.* 19.]

February 13. No. 4. Matter most urgent. With reference to question of Regulations in regard to grant of licences to importers under Sections 7 and 29 of Labour Importation Ordinance, and in regard to qualifications of witnesses to contract under Section 8, I understand that it is proposed that the Witwatersrand Native Labour Association should undertake importation. You will remember that principle laid down in connection with the Southern Rhodesia Ordinance, No. 18, of 1901, was that for the arrangements in regard to recruiting and introduction of oversea labour

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* No. 112 in [Cd. 1895].

the Administration should make itself responsible (see pages 71, 74, and 128 of Cd. 1200). Apart, therefore, from what Chinese Government may require, His Majesty's Government have pledged themselves to this principle, with your concurrence. Even if Southern Rhodesia precedent were not held to be binding, it is essential that the Transvaal Government should exercise close supervision over all arrangements for importation and satisfy itself with regard to the qualifications of agents and methods pursued by them. I shall be glad to learn how you propose to secure control by the Transvaal Government over recruiting and treatment of labourers prior to their introduction into the Colony, either by terms of licence, or by Regulations or by both .

No. 6.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 11.40 a.m., February 14, 1904.)

TELEGRAM.

[*Answered by No.* 15.]

(Extract.)

February 14. No. 1. Matter most urgent. I presume that the machinery, voting lists, &c., which would be required for taking a referendum vote is not ready throughout the country, and that to establish it would take some time. Can you give me an estimate of the time that would be necessary?

No. 7.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 12 noon, February 14, 1904.)

TELEGRAM.

[*Answered by No.* 16.]

February 14. No. 2. I presume I am right in saying that no further amendments have been introduced into Labour Ordinance since your telegram of 5th February, No. 2.*

No. 8.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 12 noon, February 14, 1904.)

TELEGRAM.

[*Answered by No.* 17.]

February 14. No. 3. Matter most urgent. Question in Parliament Monday inquiring as to reason for which definition of term "premises" in first draft of Ordinance has now been omitted and what meaning is to be attached to term "premises" in Sections 18, 19, and 20 of Ordinance as amended. I presume matter is to be settled by Regulation.

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* No. 4 in [Cd. 1898].

No. 9.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 2.40 p.m., February 14, 1904.)

TELEGRAM.

February 14. No. 4. Labour Ordinance. On 8th February, I stated in the House of Commons, in reply to a question, that my intention is to take precautions that all reasonable facilities shall be given for the introduction, reception, and accommodation of the families of labourers under the Regulations which the Lieutenant-Governor has power to make, and that these Regulations will be subject to the sanction of the Secretary of State.

On 11th February, in reply to an inquiry why the provision requiring the assent of the labourer to his transfer was withdrawn, I stated that the provisions of Section 11 appeared to me to enable the Lieutenant-Governor to take any steps which circumstances may render necessary in regard to the assent of the labourer to any proposed transfer.

On the same day, in reply to a question whether the recruiting of labour in China would be carried on by persons responsible to British authority and how and by whom appointed, and what steps would be taken under British authority to secure that before labourers left China, they were made fully aware of wages they were to be paid and of very special restrictions under which labour to be performed, I said that I was in communication with you as to the manner in which you propose to secure, under the licensing clause and Regulations, control in matters connected with recruiting labourers.

In the debate on 13th February in the House of Lords it was stated, on behalf of the Government, with reference to the criticism of the Archbishop of Canterbury on 12th February, as to the absence of anything in the Blue Book to show that moral and social side of question had been considered, and that measures were being devised for meeting possible evils, that whole question had been thoroughly discussed by you when in England with Sir Frank Swettenham, perhaps the greatest living authority on the subject, that you will also have at your side Mr. Evans, Protector of Chinese from Singapore, and that it may be anticipated that the result of deliberations will be to give us satisfactory Regulations. It was also said that terms and Regulations would be explained to labourers before they started, not only by people of their own nationality but either by His Majesty's Consuls or by persons appointed specially by the Government to see that the conditions were thoroughly understood.

I will keep you informed as to any further statements of this nature or explanations which may be made.

No. 10.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 12 midnight, February 14, 1904.)

TELEGRAM.

[*Answered by No.* 21.]

(Extract.)

February 14th. No. 5. Matter most urgent. Debate on Ordinance expected to take place Tuesday in House of Commons. Shall be glad of any explanations as to reasons given in Council for such amendments of Ordinance reported in your telegram of 5th February, No. 2,* as are of substantial importance. I have, in previous telegrams, referred to several.

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* No. 4 in [Cd. 1898.]

No. 11.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received February 15, 1904.)

SIR, Governor's Office, Johannesburg, January 25, 1904.

I HAVE the honour to enclose, for your information, a copy of telegram from the Chamber of Mines, Johannesburg, dated the 19th January, to His Excellency the Lieutenant-Governor, Pretoria, *re* resolution passed at a general meeting of members of the De Kaap Mine Managers' Association on the subject of the labour question.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 11.

CHAMBER OF MINES, Johannesburg, to LIEUTENANT-GOVERNOR, Pretoria.

TELEGRAM.

January 19. Following resolution has been transmitted to this Chamber with request to communicate to Your Excellency by De Kaap Mine Managers' Association; resolution was passed unanimously at meeting of that body on 31st December:—

Begins: That this general meeting of members of the De Kaap Mine Managers' Association is of opinion that the available native labour is totally inadequate to the needs of the mining industry, and that the importation of Chinese labourers is of vital necessity for the prosperity of that industry in particular, and the welfare of the Transvaal Colony in general, and therefore we urge upon the Government the importance of framing such a measure as will admit of the importation of Chinese labour for the purpose of working in the mines.

No. 12.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received February 15, 1904.)

SIR, Governor's Office, Johannesburg, January 25, 1904.

I HAVE the honour to enclose, for your information, a copy of a letter from Mr. S. P. Coetzee, junior, dated Lydenburg, the 14th January, covering copy of a resolution passed at Lydenburg on the 30th December, 1903, on the subject of the labour question.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 12.

Mr. S. P. COETZEE, Junior, to LIEUTENANT-GOVERNOR.

YOUR EXCELLENCY, P.O. Box No. 65, Lydenburg, January 4, 1904.

I HAVE been instructed to hand Your Excellency enclosed resolution passed at a large and representative meeting held at Lydenburg on the 30th December, with request that Your Excellency should forward same to the Secretary of State for the Colonies.

I have, &c.,
S. P. COETZEE, Junior.

His Excellency
The Lieutenant-Governor,
Pretoria.

We, the citizens of Lydenburg and district, in mass meeting assembled, view with alarm the deliberate attempt of the mining houses to saddle the mining industry of the Transvaal with Chinese labour.

We look upon the importation of Chinese or other indentured labour as unnecessary, as mines in America, Australia, and Canada, of less average grade of ore than those of the Rand, are worked at a good profit by white miners, who are earning living wages.

We deny the scarcity of an adequate supply of native labour, if the wages and conditions existing before the war now obtained.

We respectfully refer Your Excellency to Mr. Chamberlain's statement that this question would not be settled until a majority of the people of this Colony were in favour of such a radical change in the economic history of the country.

We respectfully ask Your Excellency to take immediate and proper steps to ascertain, by means of a plebiscite, if the people of this Colony acquiesce in the importation of Chinese or other indentured labour, before any law is enacted to this effect.

About 50 or 60 persons were present, and all, with the exception of a minority of five, which included the well-known Boer residents Mr. Abel Erasmus and Mr. J. Coester, ex-member of the Volksraad, were all opposed to the importation of coloured labour.

No. 13.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received February 15, 1904.)

SIR, The Governor's Office, Johannesburg, January 25, 1904.

I HAVE the honour to report little change in the state of public opinion during the past week in regard to the proposed importation of Asiatic Labour.

"Natal Mercury," January 18.
"Times of Natal," January 20.
"Natal Africaner," January 19.†

As already intimated in my despatch,* the Press of Natal continues to support the proposal. I enclose three articles from it, including one from the "Natal Africaner," the only Dutch newspaper.

In the Cape Colony, political meetings continue to be held in the country districts, where the native vote is of importance, and resolutions passed condemning the introduction of Asiatics. The Bond party in their resolutions go further than the Progressives, and insist on the exclusion of Asiatics from South Africa as a whole. I enclose the accounts of meetings held at Cradock and Humansdorp, which are of interest as betraying the ignorance which prevails in the country in regard to the real situation. In the towns the seriousness of the whole South African financial position is better realised. The leading article in "Ons Land" of the 19th January, also enclosed, contains an appeal to the South African party, reiterating the arguments with which you are already acquainted. These appeals, though equally directed to the Afrikander residents in the new Colonies, have succeeded in arousing little interest or response among them.

"Midland News," January 11.
"South African News," January 19.
"Cape Daily Telegraph," January 19.

I have, &c.,
MILNER,
Governor.

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* No. 5 in [Cd. 1899].

† Not printed.

Enclosure 1 in No. 13.

"THE NATAL MERCURY AND COMMERCIAL ADVERTISER," Monday, January 18, 1904.

THE ANTI-CHINESE AGITATION.

The Chinese question appears likely to be the subject of considerable discussion in the Imperial Parliament when that august body meets at the beginning of next month. The Liberal leaders have seized upon it as a popular subject upon which to harry the Government, and, as it will be dealt with as a political question, and the economic side entirely overlooked, they will almost certainly have a good deal of support if they find the Government inclined to assent to the Importation Ordinance. It is difficult to get people at Home to understand that the labour supply in this country is quite unequal to the demand or to fully realise the social facts in the problem which makes white labour impracticable, if not impossible, in certain directions. There is also a natural prejudice against Chinese labour, which will go a long way at Home in fanning opposition to the Importation Ordinance, and, as the Government already have their hands full with difficulties over the education question, the ambiguities of their fiscal policy and other matters such as the War Commission report, it is quite probable they will not be able to take up a strong attitude on the labour question in the Transvaal, and state plainly that they are convinced the industrial situation in the Transvaal requires an augmentation of the labour supply from outside sources, and that, in assenting to the Ordinance, they believe they are acting in accordance with the wishes of the majority in the Transvaal. Mr. Balfour has clearly a stormy time in front of him.

Enclosure 2 in No. 13.

"TIMES OF NATAL," Wednesday, January 20, 1904.

THE LAST RESORT.

IMPORTED LABOUR OR——

A day or two ago we published a cable stating that in pursuance of the anti-Chinese agitation in England, the Liberal leaders in both Houses of Parliament intend to bring up the question at the earliest possible date after the assembling of Parliament on February 2, and if the replies of Mr. Balfour and Lord Lansdowne are unsatisfactory, they will move an amendment to the Address in reply to the Speech from the Throne, formally condemning the importation of Chinese labour. It is further stated that the Liberals anticipate that many Ministerialists will support the amendment. We are not aware to what extent this statement is borne out by the facts of the case, but there seems to be no question as to the existence of a formidable anti-Asiatic movement in Great Britain. It amounts to this, that a purely South African question of the utmost moment—a matter which vitally affects the prosperity, even the very solvency of the country—is to be made a party cry in England. The other day, in pursuance of this campaign, the "Daily News" Johannesburg correspondent sent a lying, mischievous message to the effect that, if Asiatics were introduced for the benefit of the mineowners, the people of the Transvaal, British as well as Dutch, would rise. We do not know whether the British public is likely to be misled by such rubbish as that, but we should fancy that the more responsible and enlightened section of the electorate would realise that if anything is calculated to alienate South African sympathies from the Mother Country, and to stimulate a movement in favour of separation, it would be the uncalled-for interference of the Imperial Parliament in the internal affairs of this country, and especially in a matter so closely affecting the industrial development of South Africa.

For many years this labour question has been before the country, and many people, who certainly laid no claim to prophetic gift, foresaw that the time would come when the question would become a very burning one indeed. The protracted war, coupled with the enormous local expenditure which it entailed, brought matters to a crisis even more rapidly than was expected, and for over a year the critical stage has continued. The labour question has been considered in every aspect and in every detail by men of sound judgment, of wide experience, and of trained intelligence from the High Commissioner downwards. It has been the subject of careful and expert investigation, and the conclusion arrived at, reluctantly enough, is that if the country is to make any headway at all, if the admitted deficiency in the supply of unskilled labour is to be made good, labour must be imported. The only suggested alternative is "forced labour" for the natives, but there are many objections to be urged against such a course, and in any case it would not be sanctioned by the Imperial Government. Moreover, all the evidence goes to prove that there is insufficient labour available, and that the deficiency can only be made good by a supplementary supply. Many of us at first hoped that the labour would be forthcoming from India, but the foolish and obstinate attitude of the Indian Government has made that hope a vain one, and we have been forced back, as a last resort, upon the Chinaman. Whatever its source the mines must have the labour. That is an economic proposition which no one whose opinion is worth consideration will be disposed to question. In the last issue to hand the *Spectator* put the matter fairly. It said that the absence of labour was the first problem for the High Commissioner to tackle on his return, and added: "If the great gold industry cannot work again at full power, then none of the subsidiary industries can move, and the hundreds of humble citizens who have staked their all on a return of prosperity are ruined. The Inter-Colonial Council, upon whose revenues the guaranteed loan is charged, and which has in its hands most of the reproductive expenditure for the two Colonies, will have a struggle, unless the labour question is speedily settled, to show a balance on its accounts." Since this appeared the *Spectator* has suddenly changed its views.

It has declared that the indentured Asiatics will practically be slaves, and that rather than this "plunge back to barbarism" should take place the Transvaal should be allowed to stagnate. What the result of stagnation will be may best be judged from the extracts given above. The *Spectator* supplies the answer.

Of all the clap-trap talked and written in connection with this labour question the most flagrantly absurd is the reference to indentured labour as "slavery." If it is slavery why has the British Government not interfered in the Straits Settlements, in this Colony, and elsewhere in the Empire where indentured labour is utilised? At one time we were told by the opponents of Asiatic labour that the proposed restrictions would be "waste-paper" and a "palpable sham." Now they are denounced as "the fetters of slavedom." At first the outcry was that the Chinese would overrun the country; now that they will be "slaves," poor things. We leave it to our readers to form their own conclusions as to the *bonâ fides* and consistency of those who advance such arguments. The *Speaker* declares that "all that is free and articulate in South Africa has pronounced against Chinese labour." If there is one part of South Africa which is free and articulate, it is Natal, and Natal has shown pretty conclusively what her opinion is. Even at the Cape, where political exigencies and the native vote have forced both parties into a show of hostility to the Asiatic, the Progressive party has only declared in favour of excluding the Chinese from the Cape. In the new Colonies, which, as regards the expression of popular opinion, are as free and articulate as the most Radical constituency in England, scarcely a voice is raised to protest against the Asiatic. The average individual recognises that for the present he is a necessary evil, and that only the speedy settlement of the labour question, to quote the *Spectator's* phrase, will save the country from a financial disaster of unprecedented magnitude. We hope that the Labour Ordinance will be passed through the Transvaal Legislative Council without delay—the general subject has already been talked threadbare—and that Imperial sanction will be forthcoming at the earliest possible moment. If that sanction is denied, or even unduly delayed, it will be impossible to over-estimate the seriousness of the consequences.

Enclosure 3 in No. 13.

"MIDLAND NEWS," January 11, 1904.

ANTI-CHINESE MEETING

AT CRADOCK.

RESOLUTION OF PROTEST.

A public meeting was held at the Town Hall, Cradock, on Saturday night, with the object of expressing opinion upon the proposed introduction of Asiatics into the Transvaal.

The Mayor (Mr. G. S. N. Webber) was in the chair, and the Hall was crowded in every part, large numbers standing at the windows on the verandahs.

The Mayor explained the object of the meeting, which he said was to consider a very difficult question, the labour question. They were not there to tell the people in the Transvaal what they had to do, for they knew their own business best, but they in Cape Colony realised that the introduction of so large a number of Chinese would be detrimental to the highest interests of all British South Africans. No doubt the mines were needing labour, they were developing faster than before the war, and their needs therefore were greater. He believed, however, that if their friends the capitalists would only go gently they would get all the labour they required in British South Africa—(hear, hear, and No). There were a large number of natives lying about in the locations not working, and the whole of these would be available if only the Transvaal would not be so hasty. He called on Mr. du Plessis, M.L.A., to move the first resolution.

Mr. F. C. Sievers at this stage requested that the speeches should be translated. It was evident that a rowdy element at the back of the hall intended to make itself heard, and there were cries of "British first—No Dutch." "Lets have the speeches in English." But it is only fair to say that the persons who made these noises were very few in number. The resolution to be proposed was read in Dutch and then in English, after which Mr. du Plessis addressed the meeting in Dutch, Mr. Geo. C. Vosloo interpreting into English.

Mr. du Plessis said he was glad to see so good an attendance and that country, town and coloured friends were working hand in hand in this matter. The question was one of vital importance to the country's future. Once, in the year 1848, a ship arrived in Table Bay full of undesirable emigrants. The people protested against their landing, and the result was that the ship and its passengers returned. The inhabitants of South Africa might be thankful for this action of their forefathers. After the recent war a Commission was appointed in the Transvaal to investigate the labour problem, and the report of the majority was that there was a great demand for labour in the mines, and the Government had now gone so far as to pass a resolution favouring the introduction of Chinese—(hear, hear, from the back of the hall). The question arose whether, if they as a nation did not oppose the resolution of the Transvaal Government they would not be helping to compass their own downfall. There was already sufficient labour in South Africa—(No and Yes). It was admitted that the mines must be worked—the question was how to do it without the importation of Chinamen. He considered the first step of the capitalists should be to pay their labourers better—(applause). At present they received something like 2*s*. a day in a land where living was expensive, and the result

was that the men could not save anything for themselves—(a voice : "They get living besides"). The reason why the Chinaman was being introduced was that he could come out on a small wage, and that was one of the reasons why they should oppose his introduction. It had been said that if Chinamen were imported to the Transvaal they could always be sent back again. He believed that would be impossible. Once in the Transvaal they would find their way into Cape Colony—(applause and No). It would be remembered that when the rinderpest broke out the Colony did all it could to prevent it spreading, but it came all the same, and so it would be with the Chinaman. Canada, Australia, and Natal gave sufficient proof of that. He considered it their duty to work shoulder to shoulder in opposing the Chinaman. If the capitalist saw a chance of getting cheaper labour, he would endeavour to get it in order to make his profits larger, to fill his pockets quicker and leave the country—(applause). Suppose the Chinaman came ; when he was sent back, he would take all his money with him ; but if they could get their labour in South Africa, the money would be spent in South Africa. The money ought to circulate in the country in which it was made—(hear, hear). He could prove what he had said by figures. The Postmaster-General's money-order returns for November showed that whilst £13,292 was sent from Cape Colony to India, only £66 was sent from India to Cape Colony. He considered it the duty of all sensible men to oppose the resolution of the Transvaal Legislature and tell their salvation in some other way—(applause and "No"). He proposed the following resolution :—

> That the inhabitants of Cradock view with extreme concern the possibility of the introduction of Chinese labour into British South Africa, and place on record their earnest conviction that the entry of large numbers of Chinese into any one Colony would be to the detriment of the whole of South Africa ; that such entry would be a hindrance to the prosperity of the white and coloured population of this country, and that it would seriously injure the aboriginal inhabitants of this part of the Empire by retarding their natural development in the paths of industry and civilisation ; that the inhabitants of Cradock pray that the Imperial Government will withhold sanction from any legislation introduced in any Colony of British South Africa not enjoying Representative Government to facilitate the importation of Chinese labour into British South Africa.

Dr. Ireland seconded. At the commencement he impressed the importance of the proposal of the Transvaal Legislature which he described as a calamity overshadowing the country and likely to leave behind it an inheritance which their children and their children's children would not bless them for. In common with the inhabitants of other towns in the Colony they had assembled to ask the Imperial Government to prevent this measure of the Transvaal Legislature being sanctioned. There had, he said, been petitions lying in Cradock for signature for some weeks, and it had been to him a matter of disappointment and regret that so few had signed them. He trusted, however, that at the close of the meeting every man present would endorse it—(cheers and counter cheers). This was not a party question. Men of all shades of political opinion took the same ground in opposition to the introduction of alien Asiatics. The only difference between some of them appeared to be this : whether they had any right to interfere with the Transvaal, while the other party considered it its duty to do all in its power to prevent the advent of the Chinaman. Personally, he considered Cape Colony ought to have considerable voice—(a voice, Why ?) As they were aware the Legislative Council of the Transvaal was nominated practically by one man—(hear, hear). It was only representative of one section of that colony, the magnates, those interested in the rise and fall of shares, chiefly the rise, and therefore members of the Stock Exchange particularly. He (the speaker) believed that if the Transvaal Legislature had been representative of the people this question would never have been heard of. But it was not. The Council seized its opportunity and was trying to avail itself of it, but he hoped Cape Colony would be able to put a spoke in their wheel—(hear, hear). Within the last few months he had been visiting in the Transvaal and had had many opportunities of conversing with the people, learning their opinions. He was glad to know the general feeling there was entirely opposed to the introduction of the indentured Asiatic—(cries of "No"). It was true that he gleaned the opinions of the working classes, not of the aristocrat financiers ; but the working classes were much more entitled to be considered than those who came to-day and went to-morrow—(applause). This measure had been passed by nominees of the Crown and certainly they in Cape Colony were entitled to ask the Crown not to sanction the act of its nominees. The voice of Cape Colony should be heard on such a vital question. If their neighbours' house were on fire would they be acting wrongly in endeavouring to subdue the flames if only to save their own property. Any sensible man would say it was their duty to do so—(hear, hear). Again, suppose a farmer wanted to introduce stock of a pestilential kind upon his farm—say jackals—(laughter and dissent)—would the Government tell farmers to fence their farms and not interfere. No. They would give their attention to the individual farmer's and tell him he must get rid of his pest. This was the position of the Cape Colony and the Transvaal. The latter was about to introduce what had been found in Australia, New Zealand and America to be a pest and they in Cape Colony felt it their duty to appeal to the highest authority to prevent them from doing it. On the previous night they read in "Midland News" a letter entitled "Sweep your own doorsteep" in which the writer argued that we could not preach to another colony until we had stopped the emigration of Chinese through the ports of our colony. He, the speaker, said there were Chinese and Chinese. There were those who from sheer enterprise came to carry on their calling, profession or trade in the Colony. As a strong Radical he believed in the "open door"—(Voices : No). They had in Cradock Chinamen (voices : More's the pity), who were well behaved, men of business capacity, men of enterprise, and men of education and culture. They were quite a different class of men from the hundreds of thousands of low caste Chinese whom it was proposed to bring into the Transvaal to work in the mines. Some of the Chinese now in the town were men of charitable disposition, in support of donations to the Queen's Central Hospital in the last few years which, were object lessons to their European friends. (Voice : Let them all come.) But the men who were to be brought to South Africa were of the lowest type. They were going to be slaves—(cries of dissent). They were going to be beasts of burden—(renewed dissent—herded in filthy insanitary compounds—(disturbance at the back of the hall)—he knew it, he had seen the compounds. These men were to be deprived of their freedom, if the mine owners did

as they promised, they were to be dropped down into the bowels of the earth and brought up again, after a period of three or five years, when they were to be shipped off to their own country. And as to their paltry wage, did the meeting know that a portion of it was to be paid to the Chinese Government! How much of that the labourers would get God only knew. It was nothing less than slavery, and they as freedom-loving British subjects ought to put their foot down and say "We will have none of it." There was another phase of the question; before the late deplorable war there was a great cry on the part of the Jingoes for the Transvaal to be made a thoroughly British colony. These Jingo capitalists were going to do this, but what was the first act of the new Government? It was to try and oust the Britisher—(cries of No). It was a matter of fact entirely; their efforts were to oust the British, by that he meant those living under the British flag in the Transvaal—the English, the Irish, the Dutch, and last but not least, the Scotch—(loud applause). After the Chinese had learnt to use the rock drill and to drive the engine, the billets of the Britishers, who formerly occupied these positions would have vanished—(cheers, and a voice, "Rot"). If the Britisher was not ousted, he at any rate, would have to suffer a reduction of wages in competition with his yellow neighbour. Those who dissented from him might rest assured that if the Chinaman came his work would not be confined to that of a common labourer. As soon as the gold bugs found he could adapt himself more cheaply to other work he would supplant the native and white labourer. Sometimes they swore enough at their native labourers, yet, after all they deserved their first consideration. The cry about the scarcity of labour in the Transvaal was, to use a slang expression bunkum. The mine owners could get white and black labour if they were prepared to pay for it and every man was worthy of his hire. The doctor also spoke of the danger of the Chinaman because of the diseases he was likely to bring into the Colony, especially cholera, and concluded by seconding the motion.

The Chairman invited discussion, when Mr. Preddy mounted the platform amid a storm of cheers and counter cheers. He said he only wanted to protest against the resolution, which he supposed the meeting intended to carry. One word had been offered by a gentleman who had spoken to the motion. That gentleman said all capitalists left the country after they had made their money. He Mr. Preddy said it was a lie—(great disturbance during which the Mayor appealed for fair play). After order had been restored, Mr. Preddy said one gentleman who made this Colony what it is, Mr. Rhodes, did not leave it. If the mine owners could not get labour in the Colony it must be brought from outside. The capitalist of the Transvaal were the only men who had attempted any solution of the problem. They said, "we will bring the gold out of the ground but we must have labour." Let them get that labour at all costs, but the only labour they could get was that against which the meeting had met to protest—(cheers, counter cheers and some disturbance, in the midst of which Mr. Preddy left the platform).

The resolution was then put to the meeting and carried by a vast majority.

Mr. C. Le Grange proposed the next resolution which was as follows :—

That the Chairman forward the above resolution to the Governor for transmission to the Secretary of State for the Colonies.

He urged that all South Africans should work shoulder to shoulder to prevent the coming of the Chinaman.

D. Carolus (native) seconded. He said this was the first time he had spoken in public through a white interpreter. This question was one which very closely affected the native population. He was therefore glad to see all sections of the community working side by side in support of the object of the meeting. The mine owners could easily get labour in the country, provided they would pay the wage. Let them increase the wage and see if they would get more labour, even, than they required.

The motion was carried, and votes of thanks to Mr. Vosloo for interpreting and to the Mayor for presiding closed the proceedings.

Enclosure 4 in No. 13.

"South African News."

[From Our Correspondent.]

Humansdorp, January 13.—Yesterday a mass meeting was held in the court-house to protest against the importation of Asiatics into any portion of South Africa. Some of the most influential farmers of the district were present, and the whole of the Dutch-speaking community of the village.

Mr. J. M. Rademeyer, ex-M.L.A., was voted to the chair, and in a few well-chosen words explained the object of the meeting. The residents of the village ought to have attended *en masse* but apparently the Progressive party desired to make this a party question, and not one of national importance. It was impossible for them to be silent on such a momentous occasion, when a small party of capitalists were doing everything in their power to deluge the country with a horde of Asiatics. It was his conviction that this was a perilous position, namely, the furtherance of the interests of a coterie against the interests of the whole people, the public who made South Africa their home. The peril which threatened the people was the impossibility of confining these Chinese to the Rand. They would overrun the country, from the Zambesi to the Cape, and when once settled they would prove more than a match for any European nation. They all knew that the Chinese were the oldest and most intriguing of foreigners. And what did they find was the origin of this movement? Those people who recently agitated for war were the same people who are now agitating in favour of the introduction of Chinese. Matters had not run so smoothly as they had wished, and for the sake of enriching themselves they did not scruple to do things to the detriment of the white and coloured populations of South Africa. This question was of greater moment than the late war, and it behoved every true South African to raise his voice against such procedure.

They were told that the Transvaal must be left to regulate its own affairs, but before the war, when the Transvaal did not even belong to the British Empire, those people made no apology for interference in its internal affairs. Our Parliament had raised its voice against the importation, but unfortunately as far as the Legislative Council of the Transvaal was concerned no heed was paid to their resolution. They should therefore all strongly oppose this projected immigration, this being a question of life or death to the white races. He reiterated that it would be a matter of impossibility to keep the Chinese out of the Colony, once they gained a footing in the Transvaal. They all remembered the expense which it involved to our Government when rinderpest was raging in the North, and yet it had been impossible to prevent this plague from obtaining entrance into the colony. Let them all work together man, woman and child to be on the alert and ready to see to the interests of our country.

Mr. F. du Toit proposed the following resolution :—"We, the inhabitants of the village and district of Humansdorp, view with extreme concern the possibility of the introduction of Chinese labour into South Africa, and place on record our earnest conviction that the entry of large numbers of Chinese into any colony would be to the detriment of the whole of South Africa, and that such entrance would be a hindrance to the prosperity of the white and coloured populations of this country. And we pray that the Imperial Government withhold sanction from any legislation to facilitate the importation of Chinese labour into British South Africa not enjoying representative government."

The mover briefly pointed out the national character of the agitation. They found Progressives and Bondsmen working side by side to resist importation. He pointed out how the Chinese in Cuba had conspired until they had the administration of the most important places of business in their power. It had been said that it would be useless to protest now, at the eleventh hour, but he would remind them of the time of the anti-convict agitation, when the ship with the convicts on board had already arrived in Table Bay, and yet was compelled to sail away with her convicts on board.

Mr. Malan, in seconding this resolution, said it was remarkable that this meeting in Humansdorp should be held upon the date of the anniversary of the great anti-convict agitation. He advised organised opposition to the capitalists, who had been the cause of much misery in our country.

Other speakers having followed in the same strain, the resolution was put and carried without any dissentient.

Mr. A. Meyer proposed the following resolution :—"A copy of the foregoing resolution shall be forwarded to the Right Hon. the Prime Minister for transmission to His Excellency the Governor, with the request that copies of the same be forwarded to the Secretary of State for the Colonies."

Mr. Goedhals having seconded, this resolution was carried with acclamation.

The Chairman remarked that he had applied for copies of the petition to enable the inhabitants of Humansdorp to subscribe their names. He hoped that all would make use of the opportunity.

After a vote of thanks to the chairman, the meeting dispersed.

Enclosure 5 in No. 13.

"THE CAPE DAILY TELEGRAPH," JANUARY 19.

THE TRANSVAAL PROBLEM.

It is anticipated that the discussion in the Transvaal Legislative Council upon Sir George Farrar's motion calling upon Government to introduce a draft ordinance for the importation of indentured unskilled coloured labourers for the mines, will be concluded to-day. The discussion has already extended over a considerable period. It has proceeded within the Legislative Council and without with unabated vigour for several weeks past. The other South African colonies have taken up the threads of the arguments and have dealt with them from their own points of view. Every person who is in reality, or believes himself to be an authority on the Labour question, has fully ventilated his opinions and generally it may be said that the question has been closely considered from every possible standpoint. There has never been any attempt to rush the introduction of Asiatics. However the vote of the Legislative Council of the Transvaal may go, it will not be an unconsidered vote. Needless to add that it will be a relief to the whole of South Africa when the subject has been removed from the state of uncertainty. Until the labour problem has been solved one way or another, there can be no real progress in South Africa. There is, at present, stagnation in business circles. The popular complaint is that nothing is doing, trade is at a standstill, firms are being forced to retrench, and many hundreds, if not thousands of able bodied Europeans are out of work. And all because the great mining industry is handicapped for want of unskilled labourers. We believe that the problem would have been solved long ago had it not been for the barrier of suspicion which seems to separate a large section of South African colonists from the mining magnates. There has not been established complete confidence between the one community and the other. It would be idle to discuss who is to blame for this. The unfortunate fact is transparent, and the sooner friendlier relations are cultivated the better will it be for the country at large. There never would have been such powerful opposition to the introduction of Asiatics had the general body of colonists been convinced that it was not all a capitalist movement—to use one of Mr. Douglass's favourite phases. The public simply refused to believe that there was a real shortage of labour. "The mines can get plenty of labour if they want to, but this is all a share market movement." Such was the popular impression, and it has been most difficult to combat. It may be that in the past years a good

deal of jobbing and share rigging did take place which is responsible for the atmosphere of suspicion which separates many colonists from the mining centres. But whatever may have been the case in the distant past, we are convinced that now the mining community is feverishly anxious to see the mines developed on sound and businesslike lines. No one wants to see a great share boom. A steady sound market is what everyone wants, and the demand for outside labour is made in order to attain that end. There can be no more foolish or false suggestion than that the mines could obtain labour in the country if they tried. They have tried. They have tested all possible sources, and without result. There is a scarcity of unskilled labour in every portion of South Africa. Commercial centres know it, farmers know it, housewives know it. As regards evidence, we take the experience, not of mine magnates, but of men like Sir Godfrey Lagden, who have lived among the natives, who know them, and who are trusted and respected by them. They tell us that there is a great scarcity of labour which is bound to continue, and that if mines are to be developed, unskilled labour must be imported. Then there is the other foolish and false objection, born of the suspicion to which we have alluded, raised against the introduction of Asiatics. "It is a capitalist movement to crush out the European working men." These arguments are stupid, but they must be dealt with. The fact is that the introduction of unskilled Asiatic labour would mean more work for Europeans. The progress of the mines would be followed by prosperity throughout South Africa, and prosperity here and elsewhere would mean plenty of employment for all who want work. With the mines flourishing we should hear little or nothing of distress in the big towns. We should not see men tramping the streets looking for billets. There would soon be a demand for a greater number of European workmen. We hope the question will be finally settled to-day, and the sooner steps are taken to import the unskilled labour required, the sooner will South Africa get rid of its financial embarrassments.

Enclosure 6 in No. 13.

(Translation.)

"ONS LAND."—Tuesday, January 19.

THE TRANSVAAL AND THE CHINESE QUESTION.

According to the latest information from London it seems quite likely that the importation of Chinese for the Transvaal mines under the conditions proposed, which are only slightly removed from slavery, will give rise to an important discussion in the British House of Commons. It is said that the leaders of the Liberal party will take the matter up, and if they get no satisfactory answer, will move an amendment to the Address based on this question.

The question may now be asked whether this will not be an interference with the internal affairs of the Transvaal, and thus sin against the most important principle of the South African party? And is not this party then bound to resist such interference if it is to be consistent? No, we reply, and that for the simple reason that the Transvaal is a Crown Colony and up till now has no representative or responsible Government. The Crown is therefore directly responsible for the administration and government of the Transvaal, and the Crown acts according to the feeling of the majority of the members of the House of Commons. If the Transvaal had responsible government like the Cape Colony, then we should strongly disapprove of any interference, but this is by no means the case. There is in Pretoria a Legislative Council, but it consists of officials and nominees. Besides, it only has an advising voice; power is concentrated in the hands of the High Commissioner as the representative of the Crown.

Mr. Chamberlain declared, before he shook the dust of the Colonial Office from his feet and freed himself from the responsibility of answering for the results of his fatal administration, that he would leave to the people itself the decision of the question whether Chinese should or should not be imported for the mines. This is a sound principle, but then there must also be a proper constitutional machinery to carry out the principle in practice. It is obvious that a body consisting of officials and government nominees cannot apply this principle. It would be ridiculous to take the decision of that body as that of the whole population.

This was clearly perceived by the opponents of the importation of Chinese at Johannesburg. They therefore went with a deputation to the Acting High Commissioner, Sir Arthur Lawley, asking that the decision should be referred to the people of the country. This request was, however, rejected on the ground that it would take too long to carry out. But is this not an indirect recognition that the feelings of the population can only be discovered in this way? And what after this refusal of a referendum happens to the principle of Mr. Chamberlain that the decision must be left to the people themselves? The people must decide it is said and yet the necessary steps are refused to put the people in a position to be able to decide.

The weakness of the position of those who declare that the Legislative Council represents the people appears still more clearly from the fact that petitions are being sent round for signature in favour of the importation of Asiatics. These petitions then are to take the place of the judgment of the people itself by means of a referendum or by the mouth of a constitutionally chosen representative body. And how are these petitions signed? There is reason to believe that the mean and dishonourable practices which occurred earlier in getting the much discussed interference petition signed before the war are now too being applied. Lies and deception are not unrepresented on this list of practices. For instance, people are approached on whose credulity it is thought that reliance can be placed and it is said: "Won't you sign this petition *against* the importation of Chinese?" "Yes," says the man, and he signs without troubling to read through the petition and convince himself of its contents. In this way many have put their names to petitions in favour of the importation of Chinese. It is therefore necessary to repeat the warning—Sign no petition without reading it

carefully, and if you have no time to do this or do not know the person who offers it for signature, then simply refuse to sign the petition. This warning is general, but it applies specially to the Transvaal, where the practices are employed by supporters of the importation of Asiatics.

The leaders of the Progressive party in the Cape Colony have conditionally declared themselves against the importation of Chinese into the Transvaal. Their candidates say this, but ugly rumours are in circulation that certain members chosen lately for the Legislative Council, now that the election is over, are allowing themselves to be easily convinced that they were wrong in opposing Chinese. "Lord Milner has come back and he has convinced me that the importation of Chinese for the mines is absolutely necessary, and therefore I am going back on my election addresses," is an argument which can be so easily used.

Electors of members of the Legislative Assembly be careful, attach no value to a conditional opposition. The conditions can be so easily multiplied and neutralize the opposition.

No. 14.

GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE) to MR. LYTTELTON.

(Received February 15, 1904.)

SIR, Government House, Cape Town, January 27, 1904.

I HAVE the honour to transmit to you, in continuation of my despatch of 20th January last,* copy of a letter from Mr. J. C. Hemming, of Steynsburg, forwarding a Resolution passed at meeting held at Steynsburg on 16th January, 1904, respecting the introduction of Asiatic Labour into South Africa.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 14.

Mr. J. C. HEMMING to the GOVERNOR.

YOUR EXCELLENCY, Steynsburg, January , 1904.

MAY it please Your Excellency to accede to the humble request of an influential meeting held in Steynsburg, on the 16th January, 1904, to forward the annexed Resolution to the Honourable the Secretary for Colonies for submission to the Imperial Government.

We have, &c.,
J. C. HEMMING,
Chairman.

W. N. VAN DER WALT,
Secretary.

To His Excellency
Sir Walter Hely-Hutchinson, G.C.M.G.,
&c., &c., &c.,
Governor of the Cape Colony.

RESOLUTION.

"This meeting most earnestly protests against the importation of Asiatics, as being entirely against the best and lasting interests of South Africa, and is of opinion that the wish of the permanent population of this country should be upheld in a matter affecting so seriously every sphere of life."

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* No. 2.

No. 15.

GOVERNOR VISCOUNT MILNER TO MR. LYTTELTON.

(Received 7.5 a.m., February 15, 1904.)

TELEGRAM.

14th February. No. 3. Matter most urgent. Your telegram of 14th February No. 1.* In the towns voters' lists exist for municipal purposes, but in the country there is nothing of the kind. It would take at least six months to prepare a complete list of voters for rural districts, even if we knew what were to be regarded as the qualifications for a vote.

No. 16.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.5 a.m., February 15, 1904.)

TELEGRAM.

Matter most urgent. 14th February. Further referring to your telegram of 14th February No. 2,† no further amendments have been introduced.

No. 17.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.5 a.m., February 15, 1904.)

TELEGRAM.

14th February. No. 4. Matter most urgent. Referring to your telegram of 14th February, No. 3,‡ definition of term "premises" in first draft of Ordinance was omitted, as thereunder, owing to the position of certain mines in Johannesburg, the labourers would have uncontrolled access to the most populous portions of the city, which was deemed undesirable. The matter will be settled by Regulation.

No. 18.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.30 p.m., February 15, 1904.)

TELEGRAM.

(Extract.)

15th February. No. 1. Referring to my telegram of 14th February, No. 4,§ I am informed by prominent Boer member of Legislative Council that he was asked 10 days ago by several farm Kaffirs whether Labour Ordinance would pass. On his replying that it would certainly become law they at once offered to come and work on his farm and are now doing so.

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* No. 6. † No. 7. ‡ No. 8. § No. 17.

No. 19.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.30 p.m., February 15, 1904.)

TELEGRAM.

15th February. No. 2. Matter most urgent. Referring to your telegram of 13th February, No. 4.* It is certainly intended that Transvaal Government shall exercise closest supervision over arrangements for recruitment and treatment of labourers in transit.

It has been thought advisable to await arrival of Evans before drawing up the terms upon which licence to import will be granted and to be advised by him in regard to all details as to the qualifications of agents, the methods of recruitment, and treatment on voyage. These will be embodied in regulations under the Ordinance as well as in licence.

No. 20.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 10.25 p.m., February 15, 1904.)

TELEGRAM.

15th February. No. 3. I am requested to transmit to you by telegraph following Resolution passed unanimously at a general meeting of Association of Mine Managers of the Witwatersrand held to day :—

Begins: Resolved : That the Association of Mine Managers, having read Mr. Herbert Samuel's question in the House of Commons regarding the dismissal of British workmen from the Witwatersrand Mines because of their refusal to sign pro-Chinese Petition, emphatically state that nothing of the kind ever took place. Upwards of 7,000 mine workmen signed the Petition and neither on these nor on the 4,000 to 5,000 who did not was any pressure, directly or indirectly, brought to bear. *Ends.*

No. 21.

GOVERNOR VISCOUNT MILNER TO MR LYTTELTON.

(Received 6.15 p.m., February 16, 1904.)

TELEGRAM.

February 16. No. 1. Matter most urgent. Following are briefly reasons for most important of amendments made in Ordinance after its introduction :—

(1.) Definition of premises in Section 1 has been omitted. See my telegram of February 14, No. 4.†

(2.) Section 7 requires Lieutenant-Governor not to grant a licence until he is satisfied that certain provisions mentioned in the section have been made by Government of the Colony in which port is situated through which labourers enter South Africa. This is necessary, as Regulations made by Lieutenant-Governor under Ordinance cannot be of any force outside Transvaal. Licence must state the port through which labourers can be introduced and if they are introduced through any other port than the one named in licence, importer is liable to penalties under section 6.

(3.) Sections 8 and 9. Object of amendments in these sections is to avoid labourers signing contracts of service without knowing precise conditions under which they will reside in the Transvaal. The contract and the provisions of the Ordinance imposing disability on them must be explained by some persons possessing qualifications prescribed by Regulations and they must certify that they have done so.

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* No. 5. † No. 17.

(4.) A very important amendment was made in section 11 of the Ordinance which deals with transfer of contracts. This clause as it originally stood required consent of labourer to any transfer of his services. It was pointed out that if this was insisted on it might make Ordinance of little value. It is intended to have one importer, viz., Native Labour Association and have labourers transferred from this Association to Companies licensed to import. If such transfer required consent of the labourers then by withholding consent they would be thrown on hands of the Association. We thought it would be better for efficient control to have one importer, as suggested by mining Companies, and therefore consented to the amendment, especially as we found precedent for it in the Natal Act 25 of 1891, sections 39 and 40,* and also in a Trinidad Ordinance dealing with imported labour.† It will be seen also that provision is made in section 11 and in section 31 sub-section 14 for preventing transfers for valuable consideration.

(5.) Section 20 as amended makes it clearer how to deal with a labourer without a passport or permit, and is necessary in order to exercise proper control over labourers and prevent them moving out of Witwatersrand district.

(6.) Section 23 is new section and a very necessary one. Duty is cast on the superintendent by Ordinance to repatriate labourers whose contracts have expired. In order to discharge this duty efficiently he must have sufficient notice from the employers of dates of such expiration so that he can make the necessary arrangements for returning labourers to their country of origin without delay.

(7.) In section 32 an amendment has been made by which provisions of sections 2 to 8 of the Peace Preservation Ordinance, 1903, shall not apply to labourers. Reason is obvious. It was not necessary for labourers introduced under the Labour Ordinance to have permits under the Peace Preservation Ordinance. Such permits would only complicate matters and would militate against the control under passport system.

No other amendments of importance.

No. 22.

Governor VISCOUNT MILNER to Mr. LYTTELTON.

(Received 10.20 p.m., February 17, 1904.)

Telegram.

February 17. No. 2. Matter most urgent. Following letter received from Mr. H. P. Van Rensburg, member of the Transvaal Legislative Council :—

Begins :

Sir, Heidelberg, February 17, 1904.

I have seen in the press that your Excellency has cabled‡ to Mr. Alfred Lyttelton the contents of a letter received from General Botha and signed by him on behalf of certain gentlemen who claim to represent the Boer opinion of the Transvaal on the

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* The sections referred to are as follows :—

XIII.—Transfer of Immigrants.

Immigrant may be transferred by leave of Protector if no consideration be given.

"39. Any requisitionist may, with the leave of the Protector of Indian Immigrants, have any Indian Immigrant whom such requisitionist had applied for, and who shall be under a contract to serve him or to serve any employer to whom he should be allotted, transferred to any other person upon production of an affidavit to the Protector of Indian Immigrants that no consideration or value has passed or been promised for such transfer.

Tacit relocation on transfer of estate

"40. If after the date when this Law shall come into operation, the estate or place on which any Indian Immigrant shall be engaged to work, shall be sold, alienated, or transferred to, or succeeded to by another person during the currency of the contract, the Immigrant shall be bound, subject to the approval of the Protector of Indian Immigrants, to perform all the conditions of the contract, to the new proprietor of the estate or place, who, in like manner, shall be held bound to perform the stipulations thereof incumbent upon the employer."

† The Trinidad Immigration Ordinance is printed in [Cd. 714].

‡ See No. 7 in [Cd. 1899].

question of Asiatic immigration. I venture also to write praying your Excellency to cable to Mr. Alfred Lyttelton my protest against the position taken up by General Botha in which he claims that he has the right to represent Boer opinion. British public opinion has for too long been allowed to believe that such is the case. The people of England have been told, because General Botha refused to take the seat offered to him on the Legislative Council, therefore the Boers are not represented on that Council. I protest against this doctrine going out to the world as a fact. I maintain that Boer opinion is adequately represented in the Legislative Council by five Boer members, of whom I am proud to be one. Each of us would be prepared at any time to contest with General Botha the representation of any country district of the Transvaal with confidence of success. He now comes forward praying your Excellency to despatch by cable a protest to the British Government in the name of the Boers, and I think it my duty for myself, and also on behalf of the Boer people who are represented by those four Boer members who voted in the Council for the Labour Importation Ordinance, to pray your Excellency to take such steps as your Excellency may see fit to correct an impression which is only calculated to destroy the unity of the British and Boer people of this country and to delay the grant to us of representative institutions. *Ends.*

No. 23.

MR. LYTTELTON TO GOVERNOR VISCOUNT MILNER.

(Sent 9 p.m., February 18, 1904.)

TELEGRAM.

[*Answered by* No. 33.]

18th February. No. 4. Labour Ordinance.

In continuation of my telegram of 14th February No. 4* I stated in the House of Commons 15th February in reply to question whether transport of labourers would be confined to British vessels and landing to British ports that point raised would be fully considered and that at present it is contemplated to make use of Durban as port of landing ; also that every precaution will be taken to secure proper treatment of labourers on voyage.

In my speech on 16th February, in addition to undertaking that if labourers wish to bring their wives and families, they shall be allowed to do so, I made following statement :—

" Let me describe the precautions. An officer appointed by the Transvaal Government and wholly independent of the mines, and responsible to the Government, is to go to China ; and on that side, in China, he is to secure and warrant by his certificate that every Chinaman who embarks upon this undertaking shall fully understand its nature and the arrangements made for his comfort and sanitation during transit. He is then to be received at the port of entry to the Transvaal—Durban—by someone who is again to explain to him fully all the conditions of service.

" When he arrives at the mines he is no doubt to live in what is a Chinese village or location. It is considerably different from a compound, because it is a place fitted for the reception of Asiatics, and is to be carefully prepared by those who know Asiatic customs and habits."

His Majesty's Government have also undertaken, in addition to securing that transfer from one employer to another shall be with the labourer's consent, that labourer may break his contracted term of service, subject to making good cost incurred in introduction and a reasonable penalty for pecuniary damage caused thereby.

Pledges which have been made will have to be specifically carried out by the regulations under the Ordinance.

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* No. 9.

No. 24.

MR. LYTTELTON to GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE).

Downing Street, February 19, 1904.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch of the 15th of December,* forwarding a petition to His Majesty the King against the importation of Asiatics into South Africa. I request you to inform the signatories that the petition has been duly laid before His Majesty. I would add that the position of His Majesty's Government was explained in my telegram of 29 January, No. 1.†

I have, &c.,
ALFRED LYTTELTON.

No. 25.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received February 20, 1904.)

Governor's Office, Johannesburg, February 1, 1904.

SIR,

WITH reference to my despatch of 25th January,‡ I have the honour to enclose, for your information, a copy of a letter from the Secretary to the Labour Importation Association, dated Johannesburg, the 22nd of January, covering copy of a Petition signed by the principal inhabitants of Belfast (Transvaal), on the subject of the Labour question.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 25.

SECRETARY, Labour Importation Association, Johannesburg, to LIEUTENANT-GOVERNOR.

Labour Question.

Labour Importation Association, 115, Exploration Buildings,
Johannesburg, January 22, 1904.

YOUR EXCELLENCY,

I AM requested to hand you the enclosed petition, dated 23rd September, 1903, signed by 43 of the principal inhabitants of Belfast (Transvaal).

I may add that this petition was initiated spontaneously in the district, and not on any suggestion from without.

I am, &c.,
JAMES B. MACDONALD,
Secretary.

To His Excellency
Sir Arthur Lawley,
Lieutenant-Governor of the Transvaal.

Belfast, September 23, 1903.

YOUR EXCELLENCY,

WE, the undersigned inhabitants of Belfast and surrounding district, have carefully studied the labour question, and the consequent backward state of this country, owing to the insufficient labour obtainable for the furthering of the interests

* No. 96 in [Cd. 1895]. † No. 128 in [Cd. 1895]. ‡ No. 13.

of this Colony, we have, after due and careful consideration, arrived at this conclusion:—

1. That Kaffir labour is entirely inadequate to cope with the wants of this district.
2. Mines (coal and other), and even our farms cannot be worked to advantage, and are at a standstill for want of labour.
3. As by report a full and adequate supply of labour can be imported from China or elsewhere, we beg to petition that this labour may be brought in, and by that means the country may be developed, and the present stagnant state may be brought into a flourishing condition.

We beg, &c.,
R. C. O'Neil and 41 others.

To His Excellency
Sir Arthur Lawley,
Lieutenant-Governor, Transvaal Colony.

No. 26.

Governor VISCOUNT MILNER to Mr. LYTTELTON.

(Received February 20, 1904.)

Sir, Governor's Office, Johannesburg, February 1, 1904.

I have the honour to transmit, for your information, six copies of the undermentioned papers, which have been laid on the table of the Legislative Council of this Colony.

I have, &c.,
MILNER,
Governor.

Schedule.

Sessional Number.	Subject.	By whom laid on the Table.	Date.
6	Report of Transvaal Labour Commission, together with Minority Report, Minutes of Proceedings and Evidence.*	The Attorney-General.	January 20, 1904.
7	Copies of telegrams between the Government of the Transvaal and the Prime Ministers of New Zealand, and of the Commonwealth of Australia.	The Colonial Secretary.	January 21, 1904.
8	Report of the General Manager of Railways for the six months ended 30th June, 1903.†	The Colonial Secretary.	January 27, 1904.

Enclosure in No. 26.

Legislative Council, Transvaal.

Papers laid on the Table.

(Second Session, 1903-4.)

Copies of telegrams between the Government of the Transvaal and the Prime Ministers of New Zealand and of the Commonwealth of Australia.

Laid on Table of Legislative Council by the Colonial Secretary, 21st January, 1904.

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* *See* [Cd. 1896] and [Cd. 1897] February, 1904. † Not printed.

(1.)

TELEGRAM FROM THE PREMIER OF NEW ZEALAND to the COLONIAL SECRETARY, Pretoria.

January 19, 1904.

"*Re* Chinese labour in Rand Mines, respectfully desire (to) point out in New Zealand, after years of experience, Government of New Zealand is convinced that practical prohibition of Chinese immigration imperatively required in best interest (of) people British community, especially those who enjoy or expect (to) enjoy powers (of) responsible self-government. Though most reluctant (to) travel beyond their own boundaries in order to introduce themselves into matter having local import, Government of New Zealand, in discharge of duty to the nation, feel compelled to express deep apprehension (at) results which will follow introduction (of) Chinese (into) Transvaal. Government of New Zealand foresees grave perils, racial, social, political and sanitary inevitable induced by alien influx, injurious to yourselves, and neighbouring territories with whom your future is linked indissolubly and vitally to Empire, of which South Africa is (a) great and vital part. Government of New Zealand (is) aware of safeguards you propose, but our experience with Chinese shows that however stringent conditions of their introduction (and) employment may be made, yet it is practically impossible (to) prevent the many and serious evils arising. Moreover, such introduction creates vested interests on the part of employers, which render it very difficult to terminate (the) practice once it has been sanctioned. Government of New Zealand earnestly commends these considerations to Transvaal Government as far (as it) outweighs any immediate pecuniary gain. Momentary material advantage will be dearly purchased by influx of foreign element, dangerous while unassimilated, and not to be assimilated without detriment to our progress, institutions and patriotic ideals. In this matter Government of New Zealand, acting in concert with Government of Australian Commonwealth, from whom (it is) understood that similar representations will reach you."

(2.)

TELEGRAM RECEIVED FROM THE PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA, Melbourne, to COLONIAL SECRETARY, Pretoria.

January 19, 1904.

"Australia, after years of experience, is convinced that practical prohibition Chinese immigration imperatively required in best interests people of British communities, especially those which enjoy, or expect enjoy, powers responsible self-government. Though most reluctant travel beyond their own boundaries, in order to introduce themselves into matters having local import, responsible Ministers of Commonwealth in discharge their duty to nation, feel compelled express deep apprehension results which will follow introduction Chinese to Transvaal. They foresee grave perils, racial, social, political and sanitary, inevitably induced by alien influx, injurious to yourselves and neighbouring territories with which your future is linked indissolubly and finally to Empire, of which South Africa is great and vital part. We are aware of safeguards which you propose, but our experience with alien races shows that however stringent the conditions of their introduction and employment may be made, yet it is practically impossible to prevent existence of many and serious evils. Moreover, such introduction creates vested interests on the part of employers, which render it extremely difficult terminate practice once it has been sanctioned. Earnestly commend these considerations to you as far outweighing any immediate pecuniary gain, momentary material advantage will be dearly purchased by introduction of foreign element; dangerous while unassimilated, and not to be assimilated without detriment to our progress, institutions and patriotic ideals."

(3.)

Telegram from COLONIAL SECRETARY, Pretoria, to THE PREMIER OF NEW ZEALAND, Christchurch, New Zealand, and PRIME MINISTER, Commonwealth of Australia, Melbourne.

January 20, 1904.

"Your telegram expressing the views of your Ministers on the importation of labour into the Transvaal has been considered in Executive Council, and I am desired to reply that unskilled labour in this and other South African States has always been furnished by Native races not enjoying a position of equality with the white population. The supply of labour available from these native races is quite inadequate to meet the requirements of the country, and no effective means of increasing the supply which has been suggested has been left untried. White labour is not available in sufficient numbers or willing to work at wages which the mines in this country can afford to pay. The only alternative is the importation of coloured labour. This is not a new resource for South Africa, inasmuch as the Colony of Natal, a self-governing Colony, has found it necessary for many years past to import large numbers of Asiatic labourers under restrictive conditions, much less severe than are proposed in this country. Restrictions will be imposed, which the Government believe will be effective, with a view to confining imported labourers to the work for which they are wanted, and preventing competition with white workers. They will come under strict indentures, and will be repatriated on expiration of indentures. These are an essential condition of importation, and there is no intention of allowing these labourers to over-run the country. The importation of these labourers as proposed appears to this Government to be fully justified by the circumstances stated. They regard the considerations put forward in your telegram as deriving their weight in great measure from conditions existing in Australia, but very different from those prevailing in South Africa.

No. 27.

GOVERNOR VISCOUNT MILNER TO MR. LYTTELTON.

(Received February 20, 1904.)

SIR, Governor's Office, Johannesburg, February 1, 1904.

WITH reference to my telegram of 28th January,* I have the honour to enclose, for your information, an extract from the "Transvaal Leader" of 23rd January, 1904, on the subject of the recent Boer Congress at Pietersburg.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 27.

"THE TRANSVAAL LEADER," Saturday, January 23, 1904.

(From Our Special Correspondent.)

PIETERSBURG, Friday Afternoon.

A meeting of the newly-formed Boeren Vereeniging assembled at Pietersburg to-day.

In the early morning the town was crowded with back-veld Boers, who discussed the political situation with great animation.

The alleged faults of the Administration were widely discussed, and, whilst not a hostile word was uttered against Lord Milner personally, expressions of regret were general that he had not exercised a wiser discrimination in the selection of his subordinates, who, I learn, are exasperating Dutch and English alike.

Responsible government was the main theme of discussion during the morning.

Owing to a misunderstanding as to the time of the meeting, large numbers of Boers who had purchased quantities of stock at a large Repatriation sale, left town early, but the Masonic Hall was filled with a crowd of typical country Boers, who gave their undivided attention to the proceedings.

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* No. 2 in [Cd. 1899].

There was no enthusiasm, no demonstration, but in the set faces were earnestness and tenacity incarnate.

Among those present were Messrs. G. G. Munnik (chairman), W. Viljoen, Commandant H. van Rensburg, Commandant Pretorius, Field Cornets Jan Du Preez, Hercules Viljoen, Stefanus Coetzee, Commandant Bierman, Messrs. Bekker, Piet Venter, Granville-Nicholson, Krause, T. Kleinenberg, Commandant du Preez, Jacob Mulder, Commandant van Rooyen, Lieut. P. Ebers, A. S. D. Erasmus, Van der Merwe, Du Toit, Holloway, Bronkhurst, Potgieter, Bosman, Hodgson, Terblanche, Eloff, Hofmeyr, Malherbe, Marais, D. Preez, Mare, and Herman.

CHAIRMAN'S SPEECH.

The Chairman, speaking in Dutch, said :—Burghers,—We are pleased to see so many of you present here to-day, and we thank the Districts Bestuur and Wyk Besturen for the trouble they have taken in calling you together. As you will see from the agenda paper, subjects of the greatest importance will be discussed to-day. As of old, we believe that the voice of the people is paramount, and whatever you decide to-day in regard to the numerous subjects which will be brought before your notice will be carried out by us. A letter from General Botha, pregnant with good advice, will be read to you to-day, and I hope that whatever the General has told us, and whatever you may hear or learn to-day, will be carried to your homes, and there be further discussed with your friends and neighbours. (Hear, hear.) In this way we hope to keep the people together, and to inform them of what is going on in their midst. Matters affecting yourselves will be discussed, more especially the question of compensation, the Occupation Law, and the new Gold Law, which affect you personally and seriously.

ASIATIC LABOUR.

We also desire to know your wishes upon the question of the importation of Asiatics, which will also be brought before you, and as this question is one of burning interest to the whole of South Africa, you will perhaps excuse me if I offer a few remarks and a word of advice upon the subject. (Hear, hear.) The importation of Chinamen in no way affects the Boer, and I would advise you to leave it alone. If the Government had wished to interest us in the matter they should have gone into the labour question generally, for they must know that the Boer to-day requires labour just as much as the mining magnate, and until the Government can come to us with a scheme by which the Kafir can be made to work on farms we have a right to say that the labour question is not ours. And here I may perhaps say that the Government seems to have been struck with paralysis for a year past, and unless the Johannesburg galvanic battery is applied nothing can be got out of them, and the country is slowly but surely drifting to ruin.

"MONEY WASTED ON ALL SIDES."

You all know, if the newcomers do not, that the Boer Government, with a smaller revenue, was able to set aside annually three-quarters of a million for ammunition and other purposes. (Hear, hear.) How is it that we now find from the Treasurer-General's published return of revenue and expenditure that for November last there was a shortfall of £24,000? But how can it be otherwise when you see money wasted on all sides by shovelfuls—(applause)—while Lord Milner sits paralysed, with hands folded, and allows this disastrous policy of drift to continue? It is this policy of drift which we object to—(applause)—and which has called us into existence and into activity. Lord Milner to-day has three advisers, Sir Richard Solomon, Sir George Farrar, and Sir Percy Fitzpatrick. The mention of the names of the shoals of head officials who are supposed to be the Governor's advisers raises a smile. They are amiable gentlemen, who are evidently satisfied to draw their salaries and to sonorously intone an amen to whatever Lord Milner says. (Laughter.) Amongst the advisers Sir Richard Solomon towers, and, burghers, let me ask you to give this man your respect and support. He is a Colonial-born Englishman of undoubted integrity and ability—(hear, hear)—and he seems to-day to be the only man in this overweighted Government who understands and respects the sentiments of the Boers, and who remembers that this country was once theirs and that they have feelings of veneration for the institutions of the country which they have lost.

SIR GEORGE AND SIR PERCY.

Now we come to Sir George Farrar and Sir Percy Fitzpatrick, and, on mature thought, we must admit that Lord Milner might have selected worse men than these two as his unofficial advisers. They are both sons of the soil, although I think they both dislike the Boers cordially. Sir George Farrar is a multi-millionaire, but he fought gallantly for his side—so much so that he was decorated by his King; and with a Boer this will command respect. (Hear, hear.) Sir Percy Fitzpatrick is not a warrior, but he represents the most powerful group of capitalists interested in South Africa, and we must be just and admit that capital has done a lot for the Transvaal. So that it is perhaps right that Sir Percy should have some say under the new order of things. And if these two gentlemen would advise Lord Milner concerning Johannesburg and gold concerns, and allow the Boers to have some say in other matters about which they (the capitalists) know nothing, we would be satisfied. (Applause.) But they don't. Whether it is fencing, or the Boers' vested interests in land, or whatever this opera bouffe of a Parliament goes along gaily to decide—all these matters are at the dictation of Lord Milner, Sir George Farrar, and Sir Percy Fitzpatrick. I ask you, can this go on without causing dissatisfaction? (Applause.)

"TORTUOUS FORCES."

Now look at the question of the introduction of Asiatics. These two gallant knights told the Governor a year ago that Chinamen would save the country, and His Excellency's public utterances show that he believed them. If so, why did he allow the country to choke and strangle for a year

while he was putting the question through two such tortuous farces as the packed Labour Commission and Legislative Council, of His Excellency's own nomination. (Hear, hear.) Lord Milner has done some bold things before now. Why did he not seize the quill a year ago and sign the order for the introduction of Chinese? For he was then as much convinced upon this subject as he is now. If His Excellency thinks he has obtained the approval of the country for the scheme by the courses which he has adopted he will have a rude awakening should Chinese labour prove a failure and a detriment to South Africa. (Hear, hear.)

THE "LEADER."

I am pleased to see my friend the news editor of the "Transvaal Leader" here to-day, at my invitation, for two reasons—first, we are glad that an account of our proceedings, written by a Rand journalist, will be conveyed to Johannesburg, which, after all, is the governing centre of the Transvaal just now, and second, to refer to an article which appeared in the "Leader" lately, and which gave great offence to the Boers. I refer to the one in which the Boers were made out to be such barbarians and so opposed to the natives that they bullied and ill-treated them on sight. And you will hardly credit it that this article was written to bolster up a party in another Colony which is being led by the one individual whose actions in the past have had the most baneful effects on the whole of South Africa. I mean Dr. Jameson. (Hear, hear.) The editor of the "Leader" has a very short memory if he forgets that Dr. Jameson is the man who turned his Maxims on the unfortunate Matabele hordes, armed with staves and battleaxes, and mowed them down in hundreds. (Hear, hear.) I wish to remind the editor of the "Leader" that he is pandering to the tastes of ultra-Jingoes alone by such writing, and that the peace of Africa requires a little more consideration at the hands of a publicist. (Hear, hear.)

RACIAL FEELING.

I think we all agree that the country wants a rest to recover itself, and with this object racial feeling and animosity should be minimised. (Applause.) But our English friends must not expect it all to come from our side, and when we criticise the Government, as we have a perfect right to do —(applause)—they must not look upon it that we are irreconcilable to British rule. Those two great men, Paul Kruger and Mr. Steyn—(applause)—have effaced themselves to allow the burghers to carry out the terms of the Vereeniging Peace Conference. But this is not all. There has not been a single case of sedition since peace was declared, although the country is full of spies and informers. (Hear, hear.) Not a case has been heard of in which a Boer has uttered an insult either to his new flag or his King. The Boers excited the admiration of the world by the manner in which they fought against the most powerful and richest people in the world, and now they are exciting the admiration of the civilised world by the loyal manner in which they have accepted British rule. Is this nothing? There may be cases in which burghers who stood by their country to the last have not exactly wrapped the Union Jack round them and paraded the streets with it, but did any sane man expect this in the short time since peace? (Hear, hear.) It would be folly to say that racial feeling has quite died out, but the Boer is not the only one who has given way to racial feeling in small matters. There are silly people on both sides, but do not mind them. Whatever others may do, remember, burghers, that at Vereeniging our leaders accepted for us a Sovereign, and it would be dishonest were we not loyal to him and his crown. I say to you, therefore, show by your conduct your loyalty to your King, and believe me much will be forgiven you by right-minded Englishmen, so long as you honour your King. (Applause.)

CHEERS FOR THE CHAIRMAN.

Mr. Munnik's references to Sir George Farrar's conduct in the field were unanimously and heartily applauded, and his scornful references to the unrepresentative nature of the present Legislative Council were greeted with ironical laughter.

At the conclusion of Mr. Munnik's speech the audience rose en masse and gave three cheers for the chairman.

LETTER FROM GENERAL BOTHA.

Mr. Munnik then read a letter from General Louis Botha, who advised the people, as they were without a vote or representation of any sort, to abstain from voting for Chinese Labour. The matter, he said, was one which the Government of the country must settle for itself. They should strenuously oppose the alteration of the Gold Law, as it assailed the vital interests of the country.

THE FIRST RESOLUTION.

Mr. Wynand Viljoen (father of General Viljoen) proposed the following resolution :—

> "That as the country has reverted to peace conditions, no essential alterations should be made in the constitutional laws of the country until the populace has had an opportunity of expressing its opinion through a responsibly elected Parliament, more especially as the Legislative Council does not represent the people of this country, and that in accordance with the promises made at the signing of peace, the time has arrived for the inauguration of responsible Government."

Mr. Viljoen said they must respect the King and the laws, but they must not disguise the fact that they were bound together by self-interest. Agriculture was the backbone of the country, and Scottish, German and English farmers must join together, remembering that it was individuality and not nationality that would make for prosperity.

THE "HANDSUPPERS."

Referring to the National Scouts, Mr. Viljoen said they were responsible to God alone for their action in the late war. If they wished to join this association, its present members would not say them nay.

Mr. Granville Nicholson referred to the "Leader" of January 13th, in which he said it was stated that the labour question was not pushed forward by labour, but by poverty.

EXTRAORDINARY ALLEGATIONS.

Poverty, he said, was non-existant in the Transvaal before the war. It had been deliberately called into existence by the capitalists for the purpose of gaining certain ends. They wished to use poverty as an instrument for the importation of Chinese. Poverty now cried aloud and said, "Capital, why have you called me into being?"

Ex-Commandant Bierman seconded.

Commandant Pretorius thought that it was too soon after the declaration of peace to ask for responsible government, and Mr. Van Niekerk satirically remarked, amidst great applause, that they should not be so presumptuous as to ask for it until the capitalists said they might have it. Capital misled poverty, and said, "It is not I, but want of labour, that have called you into existence. Shout, and shout loudly, for Chinese, and you will again disappear and be buried in oblivion." The capitalists were endeavouring to mislead them and the British public. With the advent of the Chinese there would come greater wealth for the already over-rich and greater poverty for the poor.

Mr. Nicholson doubted whether the country was ripe for representative government.

Fieldcornet Du Preez said he was a free man. He had a mouth, eyes, ears, and head, and he had a right to make his views known. He would, however, prefer to remain in the thraldom of Downing Street than be handed over to the tender mercies of the capitalists.

Mr. Bosman, in an impassioned speech, said the constitution of the country was being infringed. They were guaranteed their rights by the peace contract, and now faith was broken, and those rights were being filched away by the new Gold Law.

WAIT FOR RESPONSIBLE GOVERNMENT.

Mr. Bosman proposed the following resolution :—

> "That until responsible Government is granted, it is inopportune to discuss the importation of Asiatic labour, which is essentially a matter to be decided by the majority of the population, through their representatives in a popular parliament."

In speaking to the resolution, Mr. Bosman said the Africanders were responsible for the future prosperity of the country, and they intended to make their voices heard. The capitalists who had sold the income of the country for thirty millions did not represent the people who were the backbone of the country.

Mr. Granville-Nicholson seconded the resolution.

After Mr. Marais had enquired whether the Plakkers Wet would be enforced

Mr. Brown, the editor of the "Zoutpansberg Review," rose, and asked to be allowed to speak. Upon being refused a hearing, he excitedly declared that the speakers had no right to declare themselves in the terms they had, that he did not care a rap for the chairman or anybody else present, and that he left the meeting in disgust.

The resolution was then carried unanimously.

THE GOLD LAW.

Mr. T. Kleinenberg proposed :—

> "That this meeting wishes respectfully but most distinctly to register its protest against the proposed alteration of the Gold Law (No. 15 of 1898), and more especially against the conditions of the new draft law, by which the Lieutenant-Governor is empowered to sell claims by public auction. This meeting is of opinion that no change should be made until such time as responsible Government is granted to the country."

Mr. Kleinenberg: I am of opinion that an important measure of this kind should only be attempted when representative Government is given to this country. In the past the old Gold Law, which has always been looked upon as a fairly good one, has been found to work well. Some of the provisions introduced in the proposed draft law indicate a progressive intention, but on principle, seeing that drastic changes are about to be introduced, I oppose such provisions until the people of the country generally have a chance of getting their views represented. The Boer is a large land-owner, and I certainly think his rights are being interfered with and prejudiced, at a time when he can have no say.

Fieldcornet du Preez, in a speech that was vigorously applauded, seconded the resolution, which was unanimously carried.

Subsequent resolutions dealing with the native question, compensation, and the necessity for appointing fieldcornets in outlying districts, were also carried.

It was further resolved that Generals Botha, Beyers, and Smit should be entrusted with the task of forwarding these resolutions to the Government.

No. 28.

GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE) to MR. LYTTELTON.

(Received February 20, 1904.)

[*See No.* 24.]

SIR, Government House, Cape Town, February 2, 1904.

I HAVE the honour to transmit to you, in continuation of my despatch of 15th December last,* a copy of a letter from Mr. J. Iverson, of Cape Town, forwarding further petitions,† signed by 15,244 residents of the Cape Colony, against the introduction of Asiatics into South Africa.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 28.

Mr. J. IVERSON, Cape Town, to GOVERNOR.

P.O. Box 686, Cape Town,
February 1, 1904.

YOUR EXCELLENCY, SIR,

I BEG leave to revert to my letter of 14th December last, accompanying petitions† to His Majesty the King, signed by 3,735 residents, adverse to the proposed immigration of Asiatics into South Africa, and I now forward herewith further lists signed by 15,244 residents.

I desire most humbly to request Your Excellency to forward them at once to the Right Honourable the Secretary of State for the Colonies, for submission to His Most Gracious Majesty the King.

I have, &c.,
J. IVERSON.

To His Excellency
Sir Walter Hely-Hutchinson, K.C.M.G.,
Governor of the Cape of Good Hope.

No. 29.

GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE) to MR. LYTTELTON.

(Received February 20, 1904.)

SIR, Government House, Cape Town, February 3, 1904.

I HAVE the honour to transmit to you, in continuation of my despatch of the 27th January last,‡ the documents specified in the annexed schedule relating to the introduction of Asiatic labour into South Africa.

I have, &c.,
WALTER HELY-HUTCHINSON.

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* No. 96 in [Cd. 1895]. † In similar terms to the petition in No. 81 in [Cd. 1895], February, 1904.
‡ No. 14.

SCHEDULE OF ENCLOSURES.

1. January 27, 1904. Minute from Ministers, No. 1/33, forwarding resolutions passed by inhabitants of Graaff Reinet.
2. January 27, 1904. Minute from Ministers, No. 1/34, forwarding resolutions passed by inhabitants of Bedford.

Enclosure 1 in No. 29.

MINISTERS to GOVERNOR.

(Minute. No. 1/33.)

Prime Minister's Office, Cape Town, January 27, 1904.

Ministers have the honour to forward, for the information of His Excellency the Governor, and for the favour of transmission to the Right Honourable the Secretary of State for the Colonies, the accompanying copies of certain resolutions relative to the introduction of Asiatics into South Africa, passed by the inhabitants of Graaff Reinet at two public meetings, held on the 12th and 15th January, 1904, respectively.

T. LYNEDOCH GRAHAM.

RESOLUTION carried unanimously at a Public Meeting of natives and coloured people, held in the Native Location, Graaff Reinet, on the 12th January, 1904.

The native and coloured inhabitants of Graaff Reinet have learned with deep regret that strong efforts are being made in the Transvaal Colony to import Asiatic labour into South Africa; and wish to place on record their protest against the introduction of such large numbers into this country, with the full conviction that such advent of the Chinese into any of the South African Colonies would be detrimental to the prosperity of the native and coloured population of this country, and seriously injure and retard the progress of Christianity amongst all the native races; and earnestly pray that the Imperial Government will not give sanction to, nor facilitate in any way, the importation of Chinese labour into this country.

Copy of Resolutions carried at a public meeting of the inhabitants of the Town and District of Graaff Reinet, held on the 15th January, 1904.

The Mayor (F. K. Te Water, Esq.) in the Chair.

1. Proposed by Mr. C. A. du Toit, seconded by Mr. V. Webb:—

"That this meeting declares itself decidedly against the importation of Asiatics into British South Africa, for the following reasons:—

"(*a*) Because such importation will have a demoralizing effect on the moral condition of our people in general.

"(*b*) It will deprive the livelihood not only of the coloured population, but of every tradesman and working-man.

"(*c*) Because it will obstruct trade in general."

Carried, three voting against the Resolution.

Proposed by Mr. C. H. O. Marais, seconded by Mr. C. A. du Toit:—

"That a copy of above Resolution be sent to the Right Honourable Prime Minister, to His Excellency the Governor of the Colony, with a request to forward the same to the Right Honourable the Secretary of State for the Colonies."

Carried unanimously.

D. De Graaff,
Town Clerk,
Secretary of the Public Meeting.

Town Office,
Graaff Reinet,
January 16, 1904.

Enclosure 2 in No. 29.

Ministers to Governor.

(Minute. No. 1/34.)

Prime Minister's Office, Cape Town, January 27, 1904.

Ministers have the honour to forward for the information of His Excellency the Governor, and for the favour of transmission to the Right Honourable the Secretary of State for the Colonies, the accompanying copy of a Resolution relative to the introduction of Chinese labour into South Africa, passed at a public meeting of the inhabitants of Bedford, held on the 13th January, 1904.

T. Lynedoch Graham.

Resolutions adopted at a Meeting of Citizens, held in the Town Hall, Bedford, on January 13, 1904.

That the inhabitants of Bedford view with extreme concern the possibility of the introduction of Chinese labour into British South Africa, and place on record their earnest conviction that the entry of large numbers of Chinese into any Colony would be to the detriment of the whole of South Africa; that such entry would be a hindrance to the prosperity of the white and coloured population of this country, and that it would seriously injure the aboriginal inhabitants of this part of the Empire by retarding their natural development in the paths of industry and civilisation; and this meeting prays that the Imperial Government will withhold sanction from any legislation introduced in any Colony of British South Africa, facilitating the importation of Chinese labour.

That a copy of these Resolutions be forwarded to His Excellency Sir Walter Hely-Hutchinson, Governor of this Colony, with the request that copies of the same be forwarded to His Majesty's High Commissioner for South Africa, and the Secretary of State for the Colonies, and that a copy of these Resolutions be forwarded to the Prime Minister of this Colony, with a request that the Government will do all in its power to give effect thereto.

No. 30.

Governor Sir W. F. HELY-HUTCHINSON (Cape) to Mr. LYTTELTON.

(Received February 20, 1904.)

Government House, Cape Town, February 3, 1904.

Sir,

I have the honour to transmit to you, in continuation of my despatch of to-day,* copy of a Minute from Ministers forwarding Resolutions passed by inhabitants of Tulbagh respecting the introduction of Asiatic labour into South Africa.

I have, &c.,
WALTER HELY-HUTCHINSON.

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* No. 29.

Enclosure in No. 30.

MINISTERS to GOVERNOR.

(Minute, No. 1/47.)

Prime Minister's Office, Cape Town, February 2, 1904.

Ministers have the honour to forward, for the information of His Excellency the Governor, and for the favour of transmission to the Right Honourable the Secretary of State for the Colonies, the accompanying copy of a Resolution relative to the introduction of Chinese labour into South Africa, passed at a public meeting of the inhabitants of Tulbagh.

T. LYNEDOCH GRAHAM.

Tulbagh, January 23, 1904.

RIGHT HONOURABLE SIR,

I AM instructed to forward you copy of Resolutions passed at a public meeting here some time ago, with the request that you would be good enough to forward same to the Honourable the Secretary of State for the Colonies in England.

I have, &c.,
J. C. LOMBARD,
Secretary.

The Right Honourable
the Prime Minister,
Cape Town.

THE RESOLUTIONS.

The following Resolutions were carried unanimously :—

1. Moved by Mr. W. N. de Vos, seconded by Mr. J. P. Malherbe :—

"This meeting earnestly protests against the wrong sought to be done against the South African community by the importation of Asiatic labourers to work in the mines, and resolves to use all possible means to oppose such importation. It further declares that should such importation —in opposition to the principle of self-government—be carried through, it pledges itself to use its utmost efforts to bring about the repatriation of Asiatics."

Moved by Mr. G. Euvrard, seconded by Mr. P. van Tulleken :—

"This meeting addresses a solemn appeal to all who love South Africa, and wish to see it flourish with other similar communities under the British flag, to unite in strenuous opposition against a measure which will alter the whole character of our population, and be a fatal hindrance to progress."

3. It was decided to send the Resolutions to the Governor for transmission to the Secretary of State.

No. 31.

GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE) to MR. LYTTELTON.

(Received 2.45 p.m., February 20, 1904.)

TELEGRAM.

[*Answered by No.* 40.]

20th February. No. 1. Referring to your telegram No. 1, 29th January.* Twenty-four hours before Sir Gordon Sprigg resigned I received following Minute from Ministers :—

Begins :—In reply to Minute 66 from the Governor transmitting telegram from the Secretary of State for the Colonies relative to immigration of Asiatic labour into South Africa, Ministers have to request that Secretary of State for the Colonies may be informed by cable that the hypothetical condition of affairs with regard to labour referred to in the Resolution unanimously agreed to at the Conference at Bloemfontein has not yet been proved to exist, no sincere effort having been made to secure the labour which can be obtained in South Africa in the countries to the south of equator. Ministers further desire that Secretary of State for the Colonies may be informed that a Petition has been received by Prime Minister from representative gathering of natives in the Glen Grey district of Cape Colony imploring British Government to refuse its sanction to immigration of Chinese into South Africa, which it is stated will, if permitted, degrade the native race and certainly stop their progress in civilization and lead to strife and trouble. In confirmation of this Petition Ministers are in position to state that the natives throughout Colony entertain strongest objection to introduction of Asiatics as proposed, and from the frequent representations which are made to Ministers by deputations and resolutions, they are convinced that great majority of white inhabitants of Colony are equally opposed to the proposed step being taken. Looking, therefore, to the future interests of Empire in South Africa generally, as detailed in previous communications, Ministers make final earnest appeal to His Majesty's Government to refuse request of Legislative Council of the Transvaal.—*Ends.*

I replied that before telegraphing to you I should like to be in position to inform you of the grounds which led Ministers to the conclusion that no sincere effort had been made to secure labour in South Africa. I have now received further Minute stating that for all the statements contained in their previous Minute Ministers are alone responsible and that they would not have been recorded unless they were true, and request me to telegraph to you without delay.

As Ministers have resigned and their successors will be sworn in within two days I do not consider it necessary to pursue the correspondence further at present. Their successors will doubtless be ready to advise on subject if desired.

No. 32.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 4.30 p.m., February 20, 1904.)

TELEGRAM.

[*Answered by No.* 34.]

20th February. No. 2. Matter most urgent. Question in Parliament for Monday asks whether Regulations will be made to prevent Chinese coolies being mulcted of their

* No. 128 in [Cd. 1895] February, 1904.

wages by any truck system. And whether officer in China who informs coolies of conditions of service will be in pay of Transvaal Government or of mine owners or their contractors.

I propose to answer second question that officers will be in pay of Transvaal Government; see my telegram 18th February, No. 4.*

What answer should I give to first question? See provision in Trinidad Law, clauses 120 and 129 on pp. 77 and 78 of Parliamentary Paper, Cd. 714.

No. 33.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 4.49 p.m., February 20, 1904.)

TELEGRAM.

[*Answered by No.* 35.]

(Extract.)

20th February. No. 1. Referring to your telegram of 18th February No. 4,* Labour Ordinance. Evans has arrived. He and Attorney-General will set to work on Regulations at once.

I have had a complete list made of your pledges and requirements as contained in the various telegrams received from you on subject, and care will be taken to embody all of them. Meanwhile it would appreciably assist position here if you could telegraph assent to Ordinance.

No. 34.

GOVERNOR VISCOUNT MILNER TO MR. LYTTELTON.

(Received 12.28 p.m., February 22, 1904.)

TELEGRAM.

22nd February. No. 1. Matter most urgent. Your telegram of 20th February, No. 2,† South African Republic Government Law No. 18 of 1896 provides against truck system and has purposely never been repealed. Special reference could be made to its provisions in the Regulations of the Labour Ordinance if thought necessary. I hope it is clearly understood that the truck system does not now exist on the mines and that its introduction in connection with Chinese has never been contemplated.

Should be much obliged if you would give me longer notice of questions in Parliament.

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* No. 23.

† No. 32.

No. 35.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 6.20 p.m., February 22, 1904.)

TELEGRAM.

(Extract.)

22nd February. No. 2. Your telegram 20th February, No. 1.* In the absence of the machinery which will be provided by the Regulations, and before you report that the arrangements for reception of immigrants and for their introduction through Durban have been made, it is not as yet possible for me to convey to you His Majesty's sanction of the Ordinance. I am obliged to satisfy myself before taking this step that pledges which His Majesty's Government have given are fully provided for and that local arrangements are adequate.

No. 36.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 9.40 p.m., February 23, 1904.)

TELEGRAM.

[*Answered by No.* 37.]

23rd February. No. 2. Matter most urgent. After consultation with Evans propose to adopt following regulations for importation of labourers. Evans strongly in favour of having all contracts signed at, and all labourers despatched from, one central depôt, under control of one specially qualified official :—

(1.) An official recommended by the Government either of Hong Kong or the Straits Settlements to be stationed at Hong Kong as the representative of the Transvaal Government. Hong Kong to be central depôt in charge of the official above referred to. All contracts to be signed at Hong Kong and again explained to the labourers at Durban before the contract is registered. See Section 5 of Ordinance.

(2.) Such persons only as may satisfy the official at Hong Kong that they are fit and proper persons will receive a licence to recruit. Such licence will be signed by the official referred to, who will have power to cancel the licence.

(3.) Every labourer will sign a contract which will contain the conditions set forth in Section 9 of the Ordinance as well as a schedule attached to the contract setting forth substantially the provisions of the various sections of the Ordinance which are mentioned in Section 9 (*d*).

(4.) The official above referred to shall explain the contract and the schedule and must sign a certificate that the labourer has signed a contract voluntarily with full

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* No. 33.

knowledge of the conditions of the contract and the provisions of the schedule. Such certificate must be attached to each form of contract.

(5.) The official in Hong Kong to certify that the provisions of the Hong Kong Ordinance relating to the arrangements for emigrants on board ship have been complied with. Some official appointed by him to accompany each ship load. For return the Natal Government to take same precautions with regard to Chinamen returning to China as they now take with regard to Indians returning to India.

Please wire as soon as possible whether you approve of this scheme, which appears to be in accordance with your declarations.

No. 37.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 4.30 p.m., February 26, 1904.)

Telegram.

(Extract.)

26th February. No. 2. Your telegram, 23rd February, No. 2.* I agree that one central depôt at Hong Kong, under control of one specially qualified official would be most convenient and simplest arrangement, at any rate to begin with until scheme assumes large dimensions. It will have the advantage of bringing all the ships conveying immigrants under the provisions of the Chinese Passengers Act, 1855, and Hong Kong Ordinance, No. 1, of 1889, with its amendments.

The official representing the Transvaal Government will require, as I understand, to be appointed by the Governor of Hong Kong as the emigration officer in order to enable him to carry out his duties under those enactments.

A surgeon would have to accompany each shipload, whose powers will require careful definition. With regard to terms of contract, conditions should, it seems to me, include statement as to the maximum number of hours per day and of days per annum that the labourer may be required to work and the wages to be paid, and we must make provision for bringing to his notice before he leaves his district, and inserting in his contract, terms on which his wife and family will accompany him or follow him, if he wishes them to come.

Regulations may be drawn up on lines proposed, and a draft of the Regulations, including especially form of contract proposed, and terms of importers' licence whilst they are in process of being framed, should be sent to me by each mail in the form arrived at up to date of despatch.

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* No. 36.

No. 38.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received February 27, 1904.)

SIR, The Governor's Office, Johannesburg, February 8, 1904.

I HAVE the honour to enclose copies of the Labour Ordinance as it stands for the third reading in the Legislative Council.

Comparing the original draft sent you on the 4th January* with it, I find that there is hardly a section in that now enclosed which has not been changed, and that a good deal of matter has been inserted, much of it subsequent to my telegram of the 28th January, No. 1.†

The Ordinance has been twice considered in Committee, and the final report was only agreed to on the 5th February.

I enclose a report of the proceedings in the Council to date.

I have, &c.,
MILNER,
Governor.

Enclosure 1 in No. 38.

LABOUR IMPORTATION DRAFT ORDINANCE.

(3rd Reading.)

A DRAFT ORDINANCE to regulate the Introduction into the Transvaal of Unskilled Non-European Labourers.

(Introduced by the Attorney-General.)

1904.

DRAFT ORDINANCE to regulate the Introduction into the Transvaal of Unskilled Non-European Labourers.

(As Amended in Committee of Council and on Report.)

Whereas it is desirable to make provision for regulating the introduction from outside Africa south of 12 degrees north of the Equator into the Witwatersrand District of unskilled labourers not being of European descent for the exploitation of minerals within the said area: Preamble.

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows;

1. In this Ordinance and all rules and regulations made thereunder unless the context otherwise requires the following expressions in inverted commas shall have the meaning placed opposite to them that is to say:— Interpretation of terms.

"labourer" means a male person belonging to a non-European race other than one of the races indigenous to Africa south of 12 degrees north of the Equator introduced into this Colony under contract of service;

"unskilled labour" means such labour as is usually performed in mines in the Witwatersrand District by persons belonging to the aboriginal races or tribes of Africa south of the Equator;

"importer" means any person introducing labourers into this Colony or any person to whom labourers have been transferred under this Ordinance;

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* No. 122 in [Cd. 1895] February, 1904. † No. 127 in [Cd. 1895] February 1904.

"country of origin" means in the case of any labourer the country from which such labourer is introduced;

"contract" means the contract of service entered into by a labourer as provided in this Ordinance;

"imprisonment" means imprisonment either with or without hard labour;

"Witwatersrand District" shall mean the area within which the Witwatersrand High Court has jurisdiction.

Appointment of Officers; their Powers and Duties.

Superintendent and Inspectors of labourers.

2. The Lieutenant-Governor may appoint a Superintendent of labourers (hereinafter styled the Superintendent) who shall have the general administration of this Ordinance and shall perform such duties and exercise such powers as may be imposed on him by this Ordinance or by regulations made thereunder, and the Lieutenant-Governor may likewise from time to time appoint such Inspectors Medical Officers Clerks and other Officers as may be necessary for the proper administration of this Ordinance.

General powers of Superintendent and Inspectors.

3. The Superintendent or any Inspector may at any time enter upon the premises on which labourers are employed and inspect the condition and general treatment of such labourers and the condition of their housing accommodation and hospital accommodation and may enquire into any complaint which an employer may have against a labourer or which a labourer may have against his employer or any person placed in authority over him by such employer and may require any labourer to be brought before him on any such visit and may either before or after such enquiry as aforesaid make a complaint or lay an information in his own name on behalf of a labourer against the employer or against any other person before the Magistrate of the District.

Power to summon witnesses on enquiry; penalties for refusing to be sworn and for giving false evidence.

4. (1) The Superintendent or Inspector may summon any person as a witness whose evidence he considers necessary for the proper determination of any enquiry held by him; such summons shall be served by the person to whom it is directed in the same manner as a summons issued by a Magistrate is required to be served.

(2) Every person on whom such summons has been duly served who without any reasonable excuse refuses or neglects to attend at the time and place mentioned in such summons shall be liable to a penalty not exceeding ten pounds and in default of payment to imprisonment not exceeding one month.

(3) The Superintendent or Inspector shall require every statement given by any person at an enquiry held by him to be given upon oath, and for such purpose he is hereby authorised to administer an oath to every such person.

(4) Every person who refuses to be so sworn when thereto required shall be deemed to have hindered the officer holding the enquiry in the execution of his duty, and shall be liable to be punished accordingly.

(5) Every person who after being so sworn wilfully makes a false statement as to anything material to the proper determination of the matter then in question shall be deemed guilty of perjury, and shall be liable to be dealt with and punished accordingly.

Introduction of Labourers.

Labourers may not enter Colony except under contract of service.

5. It shall not be lawful for any labourer to enter be or reside in or to be introduced into this Colony unless he shall previously have entered into the contract referred to in section *eight* and until such contract has been registered in the Office of the Superintendent.

Prohibition of introduction of labourers except under this Ordinance.

6. No person shall introduce labourers into this Colony or employ such labourers unless he has obtained a license to do so from the Lieutenant-Governor under the next succeeding section nor contrary to the terms of such license; any person contravening this section shall be liable to a penalty of one hundred pounds for every such labourer introduced or employed by him and shall further be bound to refund to the Superintendent any expenses incurred by him in returning such person to his country of origin.

Licenses.

7.—(1) The Lieutenant-Governor may subject to the provisions of this Ordinance grant a license to any person to introduce labourers in this Colony to perform

unskilled labour only in the exploitation of minerals within the Witwatersrand District.

(2.) No such license shall be granted until the Lieutenant-Governor is satisfied;

(*a*) that the Government of the Colony or State in which the port is situated through which such labourers may enter South Africa for the purpose of being conveyed to the Transvaal has made adequate provision (1) for the medical examination of such labourers on their landing at such port; (2) for preventing the forwarding of labourers who after such medical examination are found to be insane or suffering from a contagious or infectious disease; (3) for the control of labourers while in transit to this Colony or from this Colony back to their country of origin;

(*b*) that suitable accommodation for the housing of such labourers on the premises on which they are to be employed will be ready on their arrival in this Colony;

(*c*) that proper security in terms of section *twenty-two* has been given by the applicant.

(3) Every such license shall state the port or ports in South Africa through which such labourers shall be introduced.

(4) No such labourer shall be employed elsewhere in this Colony than in the Witwatersrand District.

Contracts with labourers —how executed.

8. Every person obtaining a license under the last preceding section to introduce labourers shall prior to such introduction enter into a contract in writing with such labourers in the form prescribed by regulation which contract shall be signed by the labourers to be bound thereby in the presence of some person possessing the qualifications prescribed by regulation who shall before such labourers sign the contract explain to them the provisions thereof as well as the provisions of this Ordinance mentioned in the schedule referred to in the next succeeding section. A certificate shall be attached to the said contract signed by the afore-mentioned person certifying that the provisions of this section have been complied with and such certificate shall be conclusive evidence of the facts therein stated.

Such contract shall be of full force and effect in this Colony as soon as it is registered in the Office of the Superintendent.

Introduction of labourers subject to conditions.

9. The introduction of labourers shall be subject to the following conditions which shall be embodied in the contract between the importer and the labourers:

(*a*) that so long as the labourer remains in this Colony he shall be employed only on unskilled labour in the exploitation of minerals within the Witwatersrand District and in particular shall not be employed in any of the trades or occupations specified in Schedule I. to this Ordinance except for unskilled labour therein;

(*b*) that he shall only serve the person introducing him or any other person who has obtained a license under this Ordinance to introduce labourers and to whom the rights of such first-mentioned person under the contract may be lawfully transferred as provided under section *eleven* hereof for a term of service to be fixed by the contract;

(*c*) that on the determination by effluxion of time or otherwise of the contract or a renewal thereof the labourer shall be returned without delay at the expense of the importer to his country of origin;

(*d*) that so long as the labourer remains in this Colony he shall be subject to the provisions contained in the Labour Importation Ordinance 1904 and more especially to the provisions contained in sections *fourteen fifteen nineteen twenty twenty-four twenty-five twenty-six twenty-seven twenty-eight* and in sub-sections (1) and (11) of section *thirty-one* thereof which shall be substantially set forth in a schedule to the contract.

Period of contracts. No contract to be registered until bond mentioned in section *twenty-two* be entered into.

10.—(1) No such contract as aforesaid shall be for a longer period than three years but on the expiration thereof it may be renewed on the same terms and conditions as those prescribed in the last preceding section for a further period or periods not exceeding in all three years; no such contract shall be registered at the office of the Superintendent which is contrary to the provisions of this section or which does not contain the conditions prescribed in the last preceding section nor until the bond mentioned in section *twenty-two* has been entered into and lodged with the Superintendent.

(2) Any person introducing or employing labourers under a contract not complying with the requirements of sections *eight* and *nine* shall be deemed to be guilty of a contravention of this Ordinance and liable to the penalties prescribed in section *six* hereof.

Transfer of contracts.

11. Any importer may with the sanction of the Lieutenant-Governor and under regulations made by him transfer in writing his rights under any contract with any labourer to any other person who has obtained a license to import labourers under this Ordinance and has given the security mentioned in section *twenty-two* hereof; and thereupon such labourer and such other person shall be bound by all the terms of such contract as fully as if such other person had been a party thereto originally; provided that the Superintendent is satisfied on such evidence as he may require that no consideration or value has passed or been promised for such transfer beyond the repayment by the transferee of the expenses incurred by the transferor in respect of the introduction of such labourers; and provided further that notice of every such transfer shall be given to the Superintendent and a certified copy of the instrument of transfer shall be registered at his office.

Control of Labourers.

Removal of labourer.

12. No importer or other person except in pursuance of a transfer duly registered shall remove a labourer from the place where he is employed without the written permission of the Superintendent nor employ such labourer elsewhere than on such place without like permission. Any person contravening this section shall be liable to a penalty not exceeding ten pounds for every labourer so removed or employed.

Returns by importer on registration of contract.

13. Every importer shall on the registration of the contract made by him with the labourers introduced by him deposit with the Superintendent a return showing;

(*a*) the number of labourers introduced by him;

(*b*) the place or places at which such labourers are to be employed;

(*c*) such other particulars as may from time to time be required by regulation; and there shall be lodged with such return an abstract of the certificate of some Medical Officer as to the health and fitness for labour of each such labourer.

Labourer not allowed to trade or to acquire lease or hold land.

14. No liquor mining trading general dealer's importer's hawker's or other license whatever shall be granted to any labourer or to any person on behalf of or as agent or trustee for any labourer; nor shall it be lawful for any labourer to acquire lease or hold either directly or indirectly any house land building or fixed property or any mynpacht claim stand or any right whatever to minerals or precious stones either in his own name or in the name of any person on behalf of or as agent or trustee for him.

Passport to be issued to every labourer.

15. The importer shall on the registration of the contract between him and the labourers introduced by him obtain from the Superintendent for every one of such labourers an identification passport in the form prescribed by regulation which shall contain a complete record by which the holder thereof may be identified and traced and shall in any Court of Law be *primâ facie* evidence of the facts therein recorded.

Any importer contravening this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding six months.

The said passport shall always be carried by the person described therein and shall be renewed on the first day of January of every year. There shall be paid to

the Superintendent by the importer on the issue and on every renewal of such passport such sum as may be prescribed by regulation not exceeding two pounds for each year.

Register to be kept by importer.

16. The importer shall cause a register in the form prescribed by regulation to be kept of all labourers introduced or employed by him and shall enter in the said register all transfers deaths unlawful absences from work and desertions occurring among such labourers and shall cause a return in the form prescribed by regulation to be made to the Superintendent within the first seven days of every month of the number of labourers introduced by him or transferred to him or by him during the preceding month the number of labourers actually employed by him on the last day of that month and the number of transfers deaths unlawful absences from work and desertions which have occurred during such month.

In the case of the death of any labourer a medical certificate shall be forthwith forwarded to the Superintendent as to the cause of death.

Such register shall also contain such other particulars as may from time to time be prescribed by regulation.

Register kept by importer to be open to inspection.

17. The register kept under the last preceding section shall be open at all times to the inspection of the Superintendent or Inspector who shall be entitled to demand from the importer such further information as he may require in respect of the entries in the said register and the returns made under the last preceding section.

Labourers must reside on premises on which they are employed.

18. Labourers shall reside on the premises on which they are employed and shall be provided with accommodation which in the opinion of the Superintendent is sufficient and suitable and shall be in charge of a Manager appointed by the importer and approved of by the Superintendent.

Labourers must be provided with permits in case they be absent from premises on which they are employed.

19. No labourer introduced under this Ordinance shall leave the premises on which he is employed without a permit in the form and containing the particulars prescribed by regulation signed by some person authorised thereto by the importer; provided that no such permit shall authorise the absence of such labourer from such premises for more than forty-eight hours from the time when it was issued.

The said permit shall bear the date and hour on which and the period for which it was issued and also the name of the labourer to whom it was issued with his registered number and shall not authorise the labourer to go outside the Witwatersrand District.

Every person contravening the provisions of this section shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment not exceeding one month.

Production of passport and permit may be demanded from any person suspected to be a labourer by any Inspector appointed under this Ordinance or Police Officer.

20.—(1) It shall be lawful for any Inspector appointed under this Ordinance or for any police officer to demand from any person whom he has reason to suspect is a labourer introduced under this Ordinance the production of the passport mentioned in section *fifteen* and if it appears from such passport on being produced that such labourer is absent from the premises on which he is employed such Inspector or police officer as aforesaid shall demand from him the permit mentioned in the last preceding section.

(2) Any person failing to produce his passport or permit when asked to do so under the last preceding sub-section may be arrested without warrant and taken before the nearest Court of Resident Magistrate and on conviction for being without such passport or permit as the case may be he shall be liable to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

(3) In a prosecution under the last preceding section of any person not producing a passport when requested to do so it shall be presumed until the contrary is proved that the accused person is a labourer introduced under this Ordinance and on the payment of any fine or expiration of any term of imprisonment shall be sent back by the Superintendent to his employer and in case his employer cannot be found and he refuses to be engaged by any importer as a labourer under this Ordinance he may be forcibly returned to his country of origin by the Superintendent.

Returns by Superintendent giving certain particulars in respect of labourers.

21. The Superintendent shall at least once during every three months transmit to the Lieutenant-Governor for publication in the *Gazette* a statement showing among other things:

(*a*) the number and particulars of licences issued and cancelled;

(*b*) the number of labourers introduced into this Colony and their country of origin;

(*c*) the number of labourers who have been returned to their country of origin and the causes of such return;

(*d*) the number of labourers who have died and deserted;

(*e*) the number and particulars of families introduced and returned under this Ordinance;

(*f*) particulars of any contravention of this Ordinance.

Return of Labourers to their Country of Origin.

Bond to be entered into by importer for return of labourers to their country of origin.

22.—(1) Every importer shall prior to the introduction by him of labourers into this Colony enter into a bond in the form in Schedule II. hereto annexed undertaking to pay the expenses incurred in connection with the return of such labourers to their country of origin in accordance with their contracts and the provisions of this Ordinance; the said bond shall be secured in such manner as the Superintendent may require.

(2) The amount of such bond shall be fixed by the Superintendent and shall be sufficient to pay for all expenses in connection with the return to their country of origin of all labourers in respect of whom such bond is entered into.

(3) If such bond be not entered into by the importer prior to the introduction of such labourers as aforesaid the license granted to him shall be cancelled and the introduction of the said labourers shall be deemed and taken to be a contravention of section *six* of this Ordinance and the importer shall be liable to the penalties provided in that section.

Notice to be given by importer to Superintendent one month prior to termination of service of labourers.

23. At least thirty days before the expiration of the term of service of any labourer the importer who is responsible for the expenses of such labourer's return to his country of origin shall notify the Superintendent of the date on which such service shall expire and shall take all necessary steps to the satisfaction of the Superintendent for ensuring the immediate return of such labourer to his country of origin and shall carry out and comply with all such directions as may be issued by the Superintendent as to the place from which such labourer shall take his departure and as to his control while in transit. Any importer contravening the provisions of this section shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment not exceeding six months.

How period of service to be reckoned

24. In reckoning the term of service of any labourer for the purpose of ascertaining the time when such term expires all periods of time shall be excluded during which the labourer has been absent from his work for any of the following causes that is to say:—

(*a*) imprisonment after conviction of any offence;

(*b*) desertion;

(*c*) unlawful absence from his work duly certified as such by the Superintendent;

provided that no labourer shall be deemed to have been absent from his work within the meaning of this section on account of any desertion unless he has been duly convicted thereof; and provided further that this section shall not apply to any imprisonment desertion or unlawful absence which is not duly recorded in the register required to be kept by the importer under section *sixteen* of this Ordinance, and included in the returns made to the Superintendent under the said section.

Labourer refusing to perform service for which he has contracted may be ordered to be returned to his country of origin.

25. If any labourer who has contracted to serve in this Colony shall on or after his arrival refuse without good and sufficient reason to proceed to the place where his service is to be performed or to perform such service he may at the discretion of the Superintendent and in addition to or substitution for any penalty provided by this Ordinance be ordered to be returned to his country of origin.

26. The Lieutenant-Governor may in the event of any labourer being convicted of any offence and sentenced to imprisonment without the option of a fine order the return of such labourer to the country of his origin at any time during the period of such imprisonment or on the expiration thereof; provided that if such order is not given until after such labourer has completed his sentence of imprisonment the importer may take him back into his service for the unexpired portion of the period for which he has contracted in which case such order shall be withdrawn. Return of labourer to country of origin on conviction of an offence.

The Lieutenant-Governor may likewise order the return of any labourer who has been declared of unsound mind by a competent Court or who has become permanently incapacitated for work by physical infirmity or disease.

27. In the case of every labourer who under the conditions of his contract or the provisions of this Ordinance is required to be returned to his country of origin the Superintendent shall take all necessary steps for his return at the expense of the importer; provided that where any labourer is ordered to be returned to his country of origin on account of any offence committed by him the importer shall be entitled to deduct the cost of so returning him from any wages then due to him. How labourers to be returned to their country of origin.

28.—(1) Any labourer liable under his contract or under the provisions of this Ordinance to be returned to his country of origin who refuses to return may be arrested without warrant and brought before a Magistrate and shall upon conviction be liable to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding three months. Penalty if labourer refuses to return to his country of origin.

(2) If any labourer sentenced to pay a fine or suffer imprisonment under the last preceding sub-section shall after the payment of such fine or expiration of the term of imprisonment as the case may be refuse to return to his country of origin he may be forcibly sent back to his country of origin by the Superintendent.

Regulations.

29. The Lieutenant-Governor may make regulations for any of the following purposes:— Regulations.

(1) for the grant refusal or revocation of licences to importers under section *seven* of this Ordinance;

(2) for the registration identification and inspection of all labourers and for the issuing and renewing of passports to them and for the fee to be charged thereon;

(3) for the execution registration and proper enforcement of contracts with labourers and of all transfers renewals or alterations of such contracts;

(4) for the return of labourers to their country of origin under the provisions of this Ordinance;

(5) for the introduction repatriation and control of the families of labourers;

(6) for securing correct returns and the keeping of proper registers under section *sixteen* of this Ordinance; and for the proper inspection of such registers;

(7) for the proper control of labourers;

(8) for the medical examination of labourers on arrival in this Colony and during their residence therein; and for such measures as may be necessary to prevent the introduction or spread of infectious diseases;

(9) for the proper housing clothing rations and food of labourers and the observance of all requisite sanitary precautions;

(10) for the protection of the property and rights of labourers;

(11) for the care of sick and injured labourers;

(12) for the inspection of the premises on which labourers reside;

(13) for preventing desertion from service by labourers;

(14) generally for the proper administration of this Ordinance.

Penalties for breaches of regulations.

30. The Lieutenant-Governor may prescribe the following penalties for the breach of any regulations made by him in virtue of the powers conferred by this Ordinance;

(1) in the case of a labourer;

(*a*) a fine not exceeding twenty pounds;

(*b*) imprisonment not exceeding six months;

(2) in the case of any other person;

(*a*) a fine not exceeding one hundred pounds;

(*b*) imprisonment not exceeding one year;

(*c*) forfeiture of any license granted by virtue of this Ordinance;

(*d*) disqualification from holding any such license in future.

Offences.

Offences against this Ordinance.

31. The following persons shall be guilty of offences against this Ordinance and shall be liable on conviction to the penalties herein specified in respect of such offences:—

(1) Any labourer contravening the provisions of section *five* of this Ordinance shall be liable to the penalties provided in section *twenty eight.*

(2) Any person who in any way aids abets or assists any labourer directly or indirectly to contravene or evade or to attempt to contravene or evade the provisions of this Ordinance shall unless otherwise provided be liable to the penalties provided in section *six.*

(3) Every person who fails to deposit the returns required under section *thirteen* or fails to keep the register make the returns or give the information required under sections *sixteen* and *seventeen* of this Ordinance or who wilfully keeps a false register or makes a false return or gives false information or who being required under section *eleven* to give notice of the transfer of any contract with a labourer fails to do so shall be liable to a fine not exceeding one hundred pounds and in default of payment imprisonment not exceeding six months.

(4) Every importer who unlawfully withholds any wages or portion of wages earned by a labourer shall be liable to a fine not exceeding fifty pounds and in default of payment imprisonment not exceeding three months.

(5) Any person who employs labourers otherwise than on unskilled labour in the exploitation of minerals in the Witwatersrand District shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

(6) Any person who knowingly transfers or attempts to transfer or procures the transfer of any labourer to a person other than one licensed to introduce labourers and any person who shall employ any labourer not lawfully transferred to him shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

(7) Any person who shall knowingly sell lease or otherwise transfer or attempt to transfer any house land building or fixed property or any mynpacht claim stand or any right whatever to minerals or precious stones to any labourer or to any person on behalf of or as agent or trustee for any labourer shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

(8) Any person who shall knowingly hold purchase lease or otherwise acquire or attempt so to do any house land building or fixed property or any mynpacht claim stand or any right whatever to minerals or precious stones or shall carry on any trade or business on behalf of or as agent or trustee for any labourer shall be liable to a fine not exceeding five

hundred pounds and in default of payment imprisonment not exceeding two years.

(9) Any person who shall obstruct any duly authorised officer in the discharge of his duties under this Ordinance or any regulations made thereunder shall be liable to a fine not exceeding fifty pounds and in default of payment imprisonment not exceeding three months.

(10) Any person who shall harbour or conceal any labourer who has deserted from the service of his importer or who has committed any breach of this Ordinance or who shall aid and abet any labourer to desert as aforesaid shall be liable to a fine not exceeding fifty pounds and in default of payment imprisonment not exceeding three months.

(11) Any labourer who shall desert from the service of his importer or shall refuse to work for him when required to do so or who shall unlawfully absent himself from work or who shall perform any work or carry on any business other than that of unskilled labour in the exploitation of minerals or who shall enter the service of any person to whom his contract has not been lawfully transferred under this Ordinance shall be liable to a fine not exceeding twenty-five pounds and in default of payment imprisonment not exceeding two months.

(12) Any importer who neglects forthwith to report to the Superintendent the desertion of any labourer while in his employment shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months.

(13) Any labourer who shall have any interest whether as partner or otherwise in any trade or business shall be liable to a fine not exceeding fifty pounds and in default of payment imprisonment not exceeding three months.

(14) Any person who shall give or receive any valuable consideration for the transfer of any labourer contrary to the provisions of section *eleven* of this Ordinance shall be liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

The foregoing penalties shall be independent of any other punishment to which the offender shall be liable.

MISCELLANEOUS.

Certain Laws not to apply.

32. The provisions of the Masters and Servants Law 1880 of Law No. 3 of 1885 or any amendment thereof and of sections *two* to *eight* inclusive of the Peace Preservation Ordinance 1903 shall not apply to any labourer introduced under this Ordinance or to any contracts made thereunder.

Families of labourers.

33.—(1) It shall not be lawful for the wife or any member of the family of any labourer or any female belonging to the race or tribe of any labourer and accompanying such labourer to enter be or reside in this Colony unless they be respectively introduced by a duly licensed importer under as far as practicable the same conditions and restrictions as are provided in this Ordinance for the introduction of labourers.

(2) The family of any labourer introduced into this Colony by any importer under any regulations made by the Lieutenant-Governor and any children of such labourer born in this Colony shall be returned by the importer to the country of origin of such labourer on the death of such labourer or on the happening of any of the events which under this Ordinance renders such labourer liable to be returned to his country of origin and such importer as aforesaid shall give the like security for the payment of the expenses incurred in connection with the return of such family as is required under section *twenty-two* of this Ordinance.

Introduction of British Indians for employment on railways.

34. Nothing in this Ordinance contained shall apply to the introduction into this Colony by the Lieutenant-Governor of British Indians to be employed on the construction of railways sanctioned by the Governor or on other public works; provided always that such introduction shall be subject to such regulations as the Legislative Council may approve of; and provided further that the provisions of this Ordinance in respect of the return of labourers to their country of origin shall *mutatis mutandis* apply to such British Indians.

Title.

35. This Ordinance may be cited for all purposes as the Labour Importation Ordinance 1904 and shall not take effect unless and until the Governor shall proclaim in the *Gazette* that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such a date as the Governor shall notify by Proclamation.

SCHEDULE I.

Amalgamator.
Assayer.
Banksman.
Blacksmith.
Boilermaker.
Brass-finisher.
Brassmoulder.
Bricklayer.
Brickmaker Overseer.
Carpenter.
Clerk.
Coppersmith.
Cyanide Shiftsman.
Drill Sharpener.
Driver of Air or Steam Winch.
Driver of Mechanical or Electrical Machinery.
Electrician.
Enginedriver.
Engineer.
Fireman Overseer.
Fitter.
Ganger.
Ironmoulder.
Joiner.
Machine Sawyer.
Machine Rock Driller.
Machinist.
Mason.
Mechanic.
Miller.
Millwright.
Mine Storeman.
Miner Overseer.
Mine Carpenter.
Onsetter.
Overseer, in any capacity other than the management and control of labourers.
Painter.
Patternmaker.
Pipeman.
Plasterer.
Platelayer.
Plumber.
Pumpman.
Quarryman Overseer.
Rigger.
Sampler.
Signaller.
Skipman.
Stonecutter.
Timberman.
Time Keeper.
Tinsmith.
Turner.
Wire Splicer.
Woodworking Machinist.

SCHEDULE II.

Know all men by these presents that A.B. of _____ C.D. of _____ and E. F. of _____ are held and firmly bound unto our Sovereign Lord Edward VII. by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith in the sum of _____ for each labourer imported by the said A.B. under a contract dated _____ made under the provisions of the Labour Importation Ordinance 1904 to be paid to our said Lord the King his heirs and successors to which payment well and truly to be made we bind ourselves and everyone of us jointly and severally for and in the whole our heirs executors and administrators by these presents.

The condition of this obligation is such that if the above bounden A.B. returns the labourers imported by him under the aforesaid contract when required so to do in accordance with the provisions of the aforesaid Ordinance then this obligation shall be void otherwise it shall be of full force and effect.

(Signed) _____

_____

_____

In the presence of

_____

Enclosure 2 in No. 38.

LEGISLATIVE COUNCIL.

TUESDAY, JANUARY 19, 1904.

THE LABOUR IMPORTATION ORDINANCE.

FIRST READING.

On the motion of the ATTORNEY-GENERAL, leave was granted to introduce a draft Ordinance "to regulate the introduction into the Transvaal of unskilled non-European labourers"; and the Ordinance was read a first time.

The ATTORNEY-GENERAL intimated that he would take the second reading on the following day.

WEDNESDAY, JANUARY 20.

LABOUR IMPORTATION DRAFT ORDINANCE.

SECOND READING.

2.35. The ATTORNEY-GENERAL moved the second reading of the Labour Importation Draft Ordinance. He said the Ordinance had been introduced in pursuance of the resolution which was moved by Sir G. Farrar, and agreed to by the Council on December 30 last. Under that resolution the Government were requested to introduce legislation providing for the introduction of non-European labourers from outside Africa for the purpose of being employed as unskilled labour in the exploitation of mines in the Witwatersrand area. The fundamental principle of the Ordinance had, therefore, been accepted by the Council in passing the resolution to which he had referred, and he intended, therefore, to say nothing whatever on the principle. His duty to-day was rather to point out and to explain, as briefly and as clearly as he could, the provisions which the Ordinance made in the way of restrictions—restrictions which they considered necessary in order to avoid any evil resulting from the introduction of labourers under the Ordinance. He claimed no perfection for the Ordinance. And he was sure when it would reach the Committee stage amendments would be suggested which would tend to improve the Ordinance, and in order that honourable members might have the opportunity of putting their amendments upon the paper so that they might be carefully considered, he would not move the Committee stage until Monday next. He would welcome any amendments which would be an improvement to the Ordinance, and which, at the same time, would not defeat the main object of the Ordinance, and he would warn those members who were anxious to see that Ordinance becoming law, to be very careful how they agreed to amendments. He did not want to see in the Ordinance any provisions which would defeat, as he said, the main object of the Ordinance, or which, on grounds of international comity, would endanger its ultimate sanction. He would briefly explain what he meant. It had been suggested to him, and the suggestion might be made in the Committee of the Council, that the Ordinance provided and made restrictions with regard to the importation of persons outside of South African coloured persons, who were brought in here under contract of service, but what about the persons who came in voluntarily; and it had been suggested that there should be some provisions in the Ordinance for excluding all Asiatics who were not introduced under the Ordinance into the Colony. Well, he should warn members against accepting any provision of that kind, because he had no hesitation whatever in saying that if such a clause, a clause prohibiting the entering into the Colony of Asiatics generally, except under the provisions of that Ordinance, he did not think that the Ordinance would be sanctioned by the Imperial Government. But it had been suggested that there might be a difficulty in approving of such a clause against Asiatics generally from a course that would include British Indians, but there was no reason whatever for not having a clause in that Ordinance which would prohibit coming into the Colony of all Chinese except those who were imported under the provisions of the Ordinance. He thought a clause specially excluding, by name, the people of a nation would prevent the acceptance of the Ordinance by the Imperial Government. They had laws restricting immigration to Natal, to the Cape Colony, and to other Colonies, but if honourable members would examine these Acts, they would see that no particular nation was specially named. These Acts define certain prohibited persons, who were not allowed in these Colonies, and it matters not whether these prohibited persons were Chinese, Japanese or any other British subject; there was nothing in the Acts prohibiting people of any particular nationality. They were told there was an Act in America which excluded Asiatics from entering into America, but America introduced that legislation after entering into a treaty with the Government of China.

And to support his argument, because he thought it was important that honourable members should be warned in time not to accept amendments of that kind, he would refer to two or three despatches of Mr. Chamberlain in 1899, addressed to the Governor-General of Canada. In 1899, in British Columbia, legislation was passed specially prohibiting the employment of Chinese on certain works; a complaint was made by the Japanese Government as regarded the legislation, and, without taking up the time of the Council, he would refer to the despatches.

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The first despatch was dated July 20, 1898, and was addressed to the Governor-General of Canada:—

"I have the honour to acknowledge the receipt of your despatches of the numbers and dates noted in the margin, with which you forwarded copies of various communications received by you from the Japanese Consul for Canada respecting the anti-Japanese legislation recently passed by the Legislature of British Columbia.

"I shall be glad if you will lose no time in transmitting, in accordance with the request contained in my telegram of June 18, copies of the Acts to which M. Shimizu takes exception, together with the observations of your Ministers thereon.

"In the meantime I have to request that you will impress upon your Ministers that restrictive legislation of the type of which the legislation in question appears to be is extremely repugnant to the sentiments of the people and Government of Japan, and you should not fail to impress upon them the importance, if there is any real prospect of a large influx of Japanese labourers into Canada, of dealing with it by legislation of the Dominion Parliament on the lines of the accompanying Natal Act, which is likely to be generally adopted in Australia."

Then the other despatch which followed was more important. It was dated April 19, 1899, and was as follows:—

"I have the honour to acknowledge the receipt of your despatch, No. 54, of March 16, forwarding copy of an approved minute of the Dominion Privy Council, to which is appended an approved report of the Executive Council of British Columbia, expressing the concurrence of the Government of that province in a report drawn up by the Ministers of Finance and Agriculture on the subject of the Acts passed by the Provincial Legislature in 1898, containing provisions prohibiting the employment of Japanese on certain works.

"The provincial Government represent that these provisions are required by the economic conditions of British Columbia, and they regret their inability to introduce legislation for their repeal.

"Her Majesty's Government fully appreciates the motives which have induced the Government and Legislature of British Columbia to pass the legislation under consideration, and recognise the importance of guarding against the possibility of the white labour in the province being swamped by the wholesale immigration of persons of Asiatic origin. They desire also to acknowledge the friendly spirit in which the representations they have felt compelled to make have been received by the Government of British Columbia, and regret that after carefully considering the minute of the Executive Council they feel unable to withdraw the objections they have urged to the legislation in question.

"There is no difference between Her Majesty's Government and the Government of British Columbia as regards the object aimed at by these laws, namely, to ensure that the Pacific Province of the Dominion shall be occupied by a large and thoroughly British population rather than by one in which the number of aliens largely predominates, and many of the distinctive features of a settled British community are lacking.

"The ground of the objection entertained by Her Majesty's Government is that the method employed by the British Columbia Legislature for securing this object, while admittedly only partial and ineffective, is such as to give legitimate offence to a Power with which Her Majesty is and earnestly desires to remain on friendly terms. It is not the practical exclusion of Japanese to which the Government of the Mikado objects, but their exclusion nominatim which specifically stamps the whole nation as undesirable persons.

"The exclusion of Japanese subjects, either from the province, on public or quasi-public works in the province, by the operation of an educational test such as is embodied in the Natal Immigration Law, is not a measure to which the Government of Japan can take exception. If the particular test in that law is not regarded as sufficient there is no reason why a more stringent and effective one of a similar character should not be adopted so long as the disqualification is not based specifically on distinction of race or colour.

"Any attempt to restrict immigration or to impose disqualifications on such distinctions, besides being offensive to friendly Powers is contrary to the general principles of equality which have been the guiding principle of British rule throughout the Empire; and, as your Ministers are aware, Her Majesty's Government were unable to allow the Immigration Restriction Laws passed by some of the Australasian colonies in 1896, to come into operation for the same reasons as they are now urging against these laws in British Columbia.

"Her Majesty's Government earnestly trust that, on consideration of these explanations, the Government of British Columbia will at once procure the repeal of the provisions complained of and the substitution of legislation on the lines indicated above.

"If this is impossible, Her Majesty's Government feel compelled, however reluctant they may be to cause inconvenience to the province, to press upon your Ministers the importance in the general interest of the Empire of using the powers vested in them by the British North America Act, for cancelling these measures, to which Her Majesty's Government object on the grounds both of principle and policy."

Now, he drew attention to these despatches merely to confirm what he had said, that they should be very careful, if they wished to see that Ordinance become law, not to adopt provisions which aimed at the exclusion nominatim of some particular nationality. The Ordinance

before them applied to coloured persons outside Africa, to whatever nationality they belonged; it applied to British subjects who were outside Africa, and who were coloured persons; it applied to Chinese and Japanese; but it did not apply to any particular race by name, and, therefore, the same reasons which were urged against legislation in British Columbia could not be urged against that Ordinance.

It would be asked, no doubt, how did they intend to keep out Asiatics, or any other undesirable persons who did not come under the provisions of the Ordinance—that was to say, who were not introduced under contract of service? Well, they would have the same machinery to keep them out as existed at the present time—namely, the Peace Preservation Ordinance. Under the Peace Preservation Ordinance no one could enter the colony without receiving a permit, and he would venture to say, after reading the report of Captain Hamilton Fowle, who was in charge of the Permit Department, they would come to the conclusion that the Peace Preservation Ordinance was more effective in keeping out undesirable persons than any Alien Immigration Restriction Law that they could possibly pass in that Council. Captain Hamilton Fowle, in his report, pointed out that only a limited number of Asiatics could enter each month, and that no permits would be issued to Asiatics who were not residents before the war, until the list of those who were residing in the country before the war was exhausted, which would take many months. Only 30 Asiatics were allowed to come into the Transvaal who were not in it before the war, and those persons were brought in for the purposes of domestic service. It would be said they had their Peace Preservation Ordinance, but many Asiatics came into the country without permits; to those who said so, he would again refer to the report of Captain Hamilton Fowle, from which it would be seen that from November 10, 1902, to December 31, 1903, about 620 Asiatics were arrested for being without permits, and were at once deported. And Major Birdwood, of the S.A.C., who had a thorough knowledge of Asiatic languages, had been travelling in certain districts in this Colony with a view of finding out if there were any Asiatics who were not authorised to be there, that was to say, who had not received permits. Major Birdwood's report up to the time that Captain Fowle's report was published was to the effect that he only found 74 Asiatics who had not taken out certificates of registration, and out of those 74, 72 came in on permits issued by the Permit Department, and therefore, out of the 74, there were only two who were not authorised. He said the administration of tne Peace Preservation Act on these lines by an officer as competent as Captain Fowle was more effective than any Immigration Restriction Ordinance they could pass. He knew perfectly well that the Peace Preservation Ordinance was legislation of a temporary character, that some time or another would have to be repealed, but he could undertake to say that the Ordinance would not be repealed until satisfactory legislation had been passed for dealing with the immigration of undesirables. Before dealing with the specific restrictions in the Ordinance, he would like to say a few words upon restrictions generally, because it had been stated over and over again in public that any restrictions they might impose on the introduction of Chinese as labourers into the Colony would be of no effect because they were sure to break down. That, of course, was a statement which was very easy to make, but he had not seen the statement supported by any reasonable argument, and certainly they had not been referred by the persons who made that statement to any particular country in which similar restrictions had broken down. Some people referred to Natal, where Asiatics were introduced for the cultivation of the sugar cane, and the result, they said, was that Natal was now flooded with Asiatics. But the restrictions which were imposed in that draft Ordinance had not been in force in Natal. (An honourable member, hear, hear.) There had not been in Natal anything like absolute compulsory repatriation; they had either to re-indenture themselves or become free Indians by taking out a certificate of registration, which cost them £3 a month, and a great many Indians who did not wish to return took out that registration and remained, and became free Indians. He would like to know where restrictions under other laws had broken down. There were restrictions laid down in the Liquor Licensing Law, and he had heard it stated by men in Johannesburg who ought to know that, in consequence of the restrictions imposed in the Liquor Licensing Law, sobriety amongst the natives working on the mines was far greater than it ever had been. These restrictions had worked well, they had not broken down, and he could not see how the restrictions under that Ordinance could break down. He would refer to the Peace Preservation Act, which imposed restrictions on people entering that Colony from outside; if they wanted to find out whether these restrictions had broken down he again asked them to consider the report of Captain Hamilton Fowle, who concluded his report by saying, as far as the administration went, as far as he had been able to see how the Ordinance worked, he had come to the conclusion that it was practically impossible for any Asiatic to come into the Colony without a permit. The restrictions imposed in the Peace Preservation Ordinance, which were similar to the restrictions under the Labour Importation Ordinance, had been effectively carried out. Again, in Natal and the Cape Colony they had Acts restricting immigration into those Colonies. Had these restrictions broken down? He had not heard from Natal or the Cape Colony that they had, and if they had not, he would like to know the reason why. These restrictions had been carried out in the different colonies, and he saw no reason why the restrictions in the Labour Importation Ordinance should break down.

He would like to make a reference to the Colony of Queensland. In 1886 the Parliament of Queensland passed a law allowing importation into that Colony of Pacific Island labourers to be employed solely in the cultivation of tropical and semi-tropical products; they could not be employed on any other labour whatsoever, and they were to be returned to their homes on the expiration of their indentures. The restrictions under that law were very similar to the restrictions under that draft Ordinance, and that law continued in force from 1880 to 1895, when, he was informed—he was speaking merely from information—it was repealed through the effects of the Labour Party, who objected to coloured persons being employed on any labour in Australia and insisted on white people being employed. The result was, he was informed, that many of the sugar plantations, which were formerly cultivated with

considerable profit to the owners, were now lying idle through the lack of labour. He had the opportunity, not many days ago, of meeting an official of high standing from Australia, and he discussed with him the provisions of the draft Ordinance now before the Council. He asked him if he had any experience of the legislation in Queensland with regard to the importation of Pacific Island labourers. He said he had no experience, but he had always heard that the regulations were effectively carried out. Again, he said, if restrictions dealing with the importation of coloured labour could be effectively carried out in Queensland, he wanted to know why restrictions imposed under that Ordinance should not be effectively carried out. These restrictions were made in the interests of the white people of the country, and it would be in the interests of the white people to see that these restrictions were carried out. He now had to go rather closely into the Ordinance and point out the restrictions it contained. He could divide them into three different classes. The first were restrictions to prevent the permanent settlement in this Colony of labourers introduced under the Ordinance, the second were restrictions to prevent a leakage of labourers so introduced from the area where they were to be employed into the neighbouring Colonies or other parts of the Colony, and the third class was composed of restrictions intended to protect our own labourers. Before going into the first class of restrictions, it was necessary to refer to definitions of the term labourer. Unskilled labour was defined as being "such labour as is usually performed in this Colony by persons both of whose parents belong to the aboriginal races or tribes of Africa south of the Equator." He thought it was a very wide definition, which would prevent any of those employed as labourers in the exploitation of mineral wealth from being employed in work done by white persons. It had been suggested that it would be wise to specify certain trades and callings in which those persons could not be employed by the addition of the words "and in particular shall not include any of the following occupations, namely, carpenter, blacksmith, mason, electrician, bricklayer, amalgamator, assayer, timberman, banksman, platelayer, skipman, fitter, turner, engine driver, wire splicer or rigger, boilermaker, sampler (mine and cyanide), cyanide shiftman, mine overseer, millwright, sorting or crushing station overseer." That suggestion came from Johannesburg, and if it made the definition any clearer he did not object to the addition. "Importer" meant not only the person who introduced labour under the Ordinance, but any person to whom such labour was consigned. He wished to explain the provisions made for preventing the labourers from permanently residing here. In the first place, the Ordinance provided that anyone who wished to introduce labourers from outside Africa under contract of service must have a license from the Lieutenant-Governor, and any person who had not obtained such a licence, but had introduced labourers, was liable to a penalty of £100 for each labourer so introduced. In addition to this, he was liable for the expenses incurred by the superintendent —an official defined in the Ordinance—in returning the labourer to the country of his origin. The Ordinance provided that no licence could be given by the Lieutenant-Governor until a bond had been passed with two sureties for the expenses which would be incurred by the superintendent in so returning the labourer to his country of origin. The Ordinance further provided that no labourer, after having been introduced into this Colony, could be transferred to any other person without the consent of the importer, and then only to a person who had the proper licence from the Lieutenant-Governor. The contract between the importer and the labourer must contain an express condition that at the termination of the indentures by the effluxion of time or otherwise he would be returned to his country of origin. It seemed clear to him that ample provision was made for returning these labourers to their country, and, in addition to the two sufficient sureties, the importer had to pay the expenses the superintendent went to to see that when the indentures had expired the labourers were handed over to him for the purpose of being returned to their country. And these were not the only provisions to prevent labourers permanently settling here. There were others which perhaps would be more effective than the bond and sureties. Clause 12 of the Ordinance provided that no mining, trading, or other licence should be granted to any labourer or any person acting on his behalf or as agent or trustee for a labourer, nor should it be lawful for a labourer to acquire leases or hold any land, building, or property or mynpacht or trade in minerals or precious stones, either in his own name or in that of any person on behalf of or as agent for him. Section 5 of Clause 27 stated that "any person who shall knowingly sell or otherwise transfer or attempt to transfer any land, fixed property, mynpacht, or other mining title to any labourer, or to any person on behalf of or as agent or trustee for any labourer shall be liable to a fine not exceeding £500, and in default of payment imprisonment not exceeding two years. Now he asked himself how a labourer introduced under this Ordinance could exist if he remained here after his indentures had expired. They could not do it—they might be able to live in a balloon, but that was all they could do. The labourer could not give his services in any employment because if any person employed him otherwise than as a labourer as defined under the Ordinance he was liable to a fine. How could he then exist? Was it not clear that as long as the Ordinance stood, everyone of the labourers would see that the best thing to do was to get on board a ship and return to his country as soon as his indentures had expired. These were the restrictions for preventing these labourers from permanently settling in this colony. If he might express his opinion, they seemed to be ample for the purpose, and if any other provisions were made that would better carry out their object of preventing the labourers from being here permanently they would be considered, and if they did not affect the main object of the Ordinance he himself would be prepared to consider them favourably. The second class of restrictions had to do with keeping control of the people when they were in the country. There was to be an official of standing who understood these people and who at any time would keep a record of how many labourers were imported, when their contracts expired, where they were engaged, and who would call upon the importers for the means of returning the labourers to their country. The Ordinance provided for the appointment of such an official and it also provided that the Lieutenant-Governor might appoint, in addition to the superintendent, such inspectors of labourers as he thought advisable. Powers were given to these officials to enter upon any premises where labourers were kept, to inspect the premises, see to the proper sanitary

conditions and inquire into any complaints which the labourers might have against their employers or the employers against the labourers. Power was also given the superintendent to summon witnesses and take evidence upon oath, and it was provided that any person who refused to comply with the summons should be considered guilty of the offence of obstructing an officer of the law in the exercise of his duty. In order that the superintendent should have every information before him with regard to the labourers and so that he might know how many were in the country and where they were employed, the Ordinance provided that every contract entered into between importer and labourer must be registered with the superintendent. Until the contract was registered it was not legal, and any person who entered into a contract without registering it would be considered to have imported labour in contravention of the Ordinance. On the registration of such a contract the importer had to make a return to the superintendent showing the number of labourers introduced, the place at which they were to be employed, and such other particulars as might be required from time to time. The obligation was cast upon every importer of labour to keep a register of labourers imported by him during any particular month, or transferred to him during that month. He had to keep a register of all labourers who might have deserted or died, and within seven days of the succeeding month he had to send his returns to the superintendent. This would enable the superintendent to have a great deal before him so that at any particular time he could know the number of labourers in the country, the number that had deserted or died, and the number employed in any particular place in the Witwatersrand area. He would also be able to keep effective control over the labourers imported. Then it was required that the importer must take out a passport for every labourer, and on that passport there would have to be the number or name of the labourer and the name of the place where he was employed. This would at all events be sufficient for the purpose of identifying the labourer wherever he might be. It also provided that the labourer must have his passport while on the premises of his employer. The premises were defined as the place where the labourer was actually employed in work and one mile in each direction from that place. The labourer, therefore, had the freedom to walk about for the distance of one mile in every direction from the place where be worked. It was further provided that if the labourer wished to proceed beyond the premises he could do so on securing a permit from his employer. This was not effective for more than 48 hours. If at the expiry of 48 hours he was found beyond the premises he might be arrested, taken before a magistrate, and charged with an offence. It had been stated that though the labourers were to be confined to the exploitation of the minerals in the Witwatersrand area, and though it was the intention of the Ordinance that they should be confined to that area, there would be no difficulty in one or two getting away and the country becoming subsequently flooded. He found it extremely difficult to understand that position. If a Chinaman—supposing that Chinese were imported—was found in Pretoria, any policeman who saw him would know that he could deal with him either by demanding his permit under the Peace Preservation Ordinance or the passport issued under the present Ordinance. If he asked a Chinaman for his permit under the Peace Preservation Ordinance and he could not produce it, it was evidence that he was not there lawfully. Or the Chinaman might say: "I am a labourer imported under the (new) Ordinance," and if a pass was shown the policeman could say: "You are guilty of an offence because you must not travel beyond the Witwatersrand area. You must have a permit from your employer showing that you can go beyond your area of employment." If he could not produce such a permit he could be taken before a magistrate. It was difficult to see how under these provisions it was possible for a labourer introduced under the Ordinance to get beyond the boundaries of the district without being detected by the authorities. They must take the greatest precautions, not only in preventing the labourers travelling beyond the area and wandering into parts of the Colony where they were not required, and they must also take precautions to prevent them going to other Colonies, where they were not wanted. They were doing as much as they could to prevent leakage from this Colony, and it would be the duty of those who did not want these people to enter their dominions to provide legislation to prevent them coming in. With the legislation of this Colony and that which other Colonies might provide, it would be exceedingly difficult for the labourers to leak into neighbouring Colonies.

3.20. The rain which had been falling for a few minutes, fell so heavily upon the roof of the House that the Attorney-General found it impossible to make himself heard. He, therefore, moved the adjournment till the storm should have ceased, and this being agreed to, the House adjourned.

4 p.m. On the House resuming, the Attorney-General continued: It had been asked what they were going to do if a labourer refused to be returned to his country of origin; what was there in that Ordinance which compelled him to go back? In reply, he would ask what inducement was there for him to remain here after his contract had expired? There was no labour in which he could engage, and he was not allowed under the Ordinance to occupy or cultivate any land, and, therefore, every provision was made in that Ordinance to make it almost necessary for him, without any compulsory clauses, to leave this country as soon as his contract had expired, and return to his country of origin. But to elaborate this point he would refer to Clause 24, which dealt with the situation in case a labourer refused to be returned to his country of origin. The clause said:—

(1) Any labourer liable under his contract or under the provisions of this Ordinance to be returned to his country of origin who refuses to return may be arrested without warrant and brought before a magistrate and shall upon conviction be sentenced to imprisonment for a period not exceeding three months.

(2) If any labourer sentenced under the last preceding sub-section shall after the expiration of his term of imprisonment or any subsequent term of imprisonment imposed under this sub-section refuse to return to his country of origin he may

be arrested without warrant and brought before a magistrate and shall on conviction be sentenced to imprisonment for a period not exceeding twelve months and with or without a fine not exceeding one hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

The Council would see, therefore, that if a labourer refused to return to his country of origin he had only to look for perpetual imprisonment. He thought he had now dealt sufficiently with the restrictions in the Ordinance for controlling the movements of the imported labourers. There was another clause of restrictions intended to protect the labour, and especially the white labour in this country. These labourers were not to be introduced under that Ordinance for the purpose of competing with white men. Everything possible was done in the Ordinance to prevent that competition. The only reason why labourers were introduced under that Ordinance was to make up for the insufficiency of native labour. The Ordinance provided that any person introduced under that Ordinance could be employed only on unskilled labour in the exploitation of the minerals in the Witwatersrand area. Unskilled labour was defined, and he had already told the Council what that definition was as it stood in the draft Ordinance; and he had also pointed out the extent to which it could be amended. Then the Ordinance provided in Section 27, sub-sections 3 and 5, penalties for the employment of these persons on any other labour than that for which they were imported. Sub-section 3 said:—

> Any person who employs labourers otherwise than on unskilled labour in the exploitation of minerals shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

And Sub-section 5 was as follows:—

> Any person who shall knowingly sell lease or otherwise transfer or attempt to transfer any land, fixed property, mynpacht, or other mining title to any labourer or to any person on behalf of or as agent or trustee for any labourer shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

It would be seen from these two sub-sections that heavy penalties were imposed on persons who employed any of these labourers on any work for which they were not imported. It seemed, therefore, to him that it would be quite impossible for these labourers to enter into competition with any white labour in this Colony. They could only be employed on unskilled labour in the exploitation of minerals in the Witwatersrand area. The Ordinance further provided for regulations to be made by the Lieutenant-Governor in order to properly carry out restrictions in the Ordinance. He had been told that the Lieutenant-Governor ought not to have power to make regulations, and that all such regulations ought to be in the Ordinance. But that was quite impossible. In the administration of an Ordinance like that it was absolutely necessary to confer upon the Lieutenant-Governor power to make regulations; and he would like to point out that no regulations which the Lieutenant-Governor could make could relax the express restrictions laid down in the Ordinance. They could not modify the express restrictions laid down in the Ordinance, and any regulations which attempted to do so would be *ultra vires* and would be set aside by any Court of Law. The object of the regulations was not to relax the restrictions, but to enable them to be effectively carried out. The only criticism he had seen of the Ordinance was that its provisions were so drastic that the Transvaal was returning to a state of slavery; and the labour which it was intended to import under the Ordinance was spoken of as servile labour. Now, he could not understand how labour of that kind could be more servile than the labour which it was intended to supplement. The natives who were brought there to work in the mines were brought there under contract in the same way as the imported labourers would be; and they had their freedom of movement restricted by being obliged to carry passports, and to get permits from their employers if they wished to leave the premises of these employers. Therefore, there was no reason to speak of the labour proposed to be introduced under this Ordinance as servile labour any more than they spoke of the native labour which they had now as servile labour. Ample opportunity would be given to him again of explaining the details of that Ordinance, and he did not think he ought to weary the Council any longer by going into its provisions. He would, therefore, content himself with moving the second reading. (Hear, hear, and applause.)

The Colonial Secretary seconded.

4.15. Mr. Hull said he had no desire to raise any discussion upon the principle of that draft Ordinance, because he fully recognised that the members of the Council, or rather the majority of the members, had, by the votes which they cast a few weeks ago, admitted the principle which underlay that Ordinance, and it would, therefore, be sheer waste of time on his part if he were to challenge the principle of the Ordinance again. At the same time he would like to say that he was more than ever convinced that that Council made a grave mistake a few weeks ago when they adopted the motion moved by Sir G. Farrar; and he felt convinced that before many months were over the leaders of the mining industry, who were responsible for the Ordinance, would have to admit that their experiment with Chinese labour had turned out to be a failure; and they would also admit the experiment had cost them a large amount of money and a large amount of valuable time. Before he dealt with some of the sections of the draft Ordinance, he would like to say it seemed to him that the vote which was cast in the Council about a fortnight ago on that question would always stand forth as a striking illustration of how little the members of the Council really represented the wishes and the ideas of the population of this country. It would be remembered that when the vote was taken not a single Dutch member voted against it. Every Dutch member present

at the close of the debate recorded his vote in favour of Sir G. Farrar's motion. From that fact it has been argued by the newspapers in Johannesburg and elsewhere, who claimed that they had a right to instruct the world, that the Dutch people, the Boers of this Colony, were generally speaking in favour of the importation of the Chinese. Now, he submitted, and he thought it was well known to every member of that Council, that nothing could be further from the truth, or more absurd than that. (Hear, hear.) A large section of the Boers, and he believed some of the best Boers of this Colony, were wholly and entirely opposed to the importation of Chinese labour. Then again, to show the Council how little, after all, they represented the wishes of the general body of the people of this country, he would say that the motion proposed by Sir G. Farrar was carried by 22 votes to 4. From that it would be argued that because 85 per cent. of the members of the Council supported the idea of the importation of Chinese, that therefore 85 per cent. of the population of the Colony was in favour of it. Now, that inference was equally absurd. He believed, although he knew it would be denied, that if they took a poll of all the white inhabitants of the Colony they would find that, including the Witwatersrand area, more than a majority of the white people were opposed to the importation of Chinese labour. He believed before that Ordinance reached any further stages a petition would be handed in, signed, he had no doubt, or purporting to have been signed, by many thousands of people in the Colony. Well, he preferred not to say anything as to the manner in which that particular petition had been got up, and how signatures had been obtained to it. All he could say was this, that evidence of that kind might be very well to bamboozle people in England, but he was perfectly certain that they in that country, who knew how these petitions were got up, would never be bamboozled by it. He would like also to refer to the report of an article which appeared in the London "Times" on the 1st or 2nd of January, an article which was written immediately after the labour debate took place in that Council. His object in referring to this was especially to draw the attention of the Government to it, because it seemed to him that the article contained very valuable advice. Referring to the significant vote of the Transvaal Legislative Council in favour of imported labour, it said: "It only remains for His Majesty's advisers to make sure that the present manifestations represent the genuine feelings of the majority of the population, and are not merely the artificial product of skilful organisation." He invited the Government to study the article, and to satisfy themselves that the manifestations, so far as they had been able to see them in the shape of petitions and the vote of that Council, and in other ways, were not, as the leader-writer said, the artificial product of skilful organisation. Now, with regard to the Ordinance, the Attorney-General had rightly observed that he hoped that whatever amendments might be suggested would not have the effect of rendering the Ordinance a dead letter. He for one would be no party to any amendment which would have that effect. (Hear, hear.) The Council, in its wisdom, had settled the principle of that Ordinance, and it was their duty loyally to see that a workable and proper law was passed. So far as he was able, he would render the best assistance he was capable of, but it did seem to him that there were serious omissions in that Ordinance, which in many respects could be improved without destroying its effectiveness. He hoped when the measure reached the Committee stage to submit some amendments, which, he thought, were necessary, and which he hoped the Council would accept. One amendment which he proposed to introduce would have the object of making it quite certain that the labourers to be imported under the Ordinance would be confined to the Witwatersrand area. He knew that sub-section 2 of Section 6 dealt with this, but he wished to get it mentioned in the preamble. Then again, he thought unskilled labour should be clearly defined in the Ordinance. He did not think it was right to leave the interpretation of the term to the discretion of a magistrate, and it was much better that they should define in the Ordinance once and for all what work these labourers should not be allowed to do. The Attorney-General seemed to think that when once these restrictions were imposed it would be an extremely difficult thing to break them down, and he (Mr. Hull) regretted he could not agree with that. The very Council which imposed the restrictions could at its next session alter them, and, to put another case, suppose, after they had 50,000 or 60,000 Chinamen in the country, and after a large number of mines had become dependent upon their labour, suppose that these labourers said they wanted the restrictions removed, and would not work unless they were removed, how were they to compel them to work, and what was going to become of the mines. The same people who urged the introduction of that Ordinance would then come and compel them to remove the restrictions. There were scores of other ways in which the restrictions could be got rid of. Then, again, the Attorney-General referred to the excellent work done by the Permit Officer, Captain Hamilton Fowle. He believed Captain Hamilton Fowle to be a capable officer, but dealing with 700 or 800 Asiatics as at present, was a very different thing to dealing with 50,000 or 60,000 Chinese. He did not wish to occupy any more of the time of the Council that day, but would introduce amendments which he thought necessary at the proper time.

4.25. Mr. Van Rensburg said he would not have spoken at all if it were not for the remarks made by the lawyer—the so highly educated lawyer of Johannesburg. (Mr. Hull: Hear, hear.) He (the speaker) thought it was time that they should know a little about the Dutchmen. When the Bill was first before the Council, the honourable member (Mr. Hull) stood up and said he was sorry the Council did not consist of lawyers, because he was certain if the Council were a Court of Law he would take the ground from under his opponents' feet. But the honourable member with all his knowledge, had failed; yet he was not satisfied. There were some things in the Ordinance where there could be improvements; and he (the speaker had one case to bring forward where he could make improvement. The honourable member had that day said about the Dutch members that they had voted with the English members and the member for Western Australia (laughter). The honourable member thought, because he was a lawyer, he knew better than anybody else and he had gone so far as to say that the Dutch members voted for what they did not know; which really was untrue and went to make

the Dutch members look small. He (the speaker) could tell the Council that what the honourable member had said about the Dutch were fairy tales; he had heard those fairy tales before. He had faced a meeting at which there were 130 Boers—people of the old style. He did not know what they would call a farmer, but he thought that when he mentioned the name of Commandant Buys, a man who had lost his son and lost his leg, as being present, the Council would understand what the meeting was like; and not only did he (the speaker) get a vote of confidence, but also a resolution stating that the meeting quite agreed with what the Council had done in the matter— agreed not only with himself but with the whole Council. But the honourable member had come and said that the Boers were against them. Where was the Boer who was against them? Was it the Boer who was running in the dark; who was afraid of facing daylight? If the honourable member wished to speak about Dutchmen, let him speak of the progressive man. He (the speaker) was present at a Nachtmaal at two churches at which there were between 200 and 300 men. Among them were people whom they could respect—proper Dutchmen. What happened there? He got the same resolution there in favour of importation of labour. Yet the honourable member said the Dutch members did not know what they were voting for. Perhaps there was more in the Dutchman than in the honourable member. Moreover, he (the speaker) was proud of those Dutchmen. What was the honourable member? Was he a Dutchman or an Englishman? He did not tell them what he was; but from what he could see the honourable member represented a class of Dutchmen who would not face daylight. He (the speaker) represented the Heidelberg district—he had done so for years. He did not go to Johannesburg or Lydenburg or any other place; he went to the town he belonged to, and if the honourable member had taken the same trouble as he (the speaker) had done, he would be a little better acquainted with the feeling of the Dutchmen outside. But he had not done so, but he came forward with stories he had heard in the streets or seen in the papers. If he wanted to know the feeling of the Dutch he ought to have met them on the platform like he (the speaker) had done. He was not a political speaker in English and he had not come there as some members, like the honourable member, Mr. Bourke, had done, to read a paper. He had come there to say in plain language what he knew. He had held two meetings in his district and those meetings agreed to what the House had done. Therefore the House had done exactly what the people in his district wanted.

4.35. Sir P. FITZPATRICK said the ground had been so fully covered by his honourable friend the Attorney-General that he would not refer to the provisions of the draft law before the House. But he would like to refer to a little new opposition that had now arisen. He had seen in that day's papers and in last week's papers cables addressed from leading politicians in other Colonies. He thought honourable members were familiar with the tone of those cables, and, therefore, he need not read them. There was a cable which appeared that day addressed "from Mr. Deakin, the Australian Premier," and the circular exhortation from Mr. Seddon addressed to the various Colonies of the Empire last week. Well he (the speaker) thought to whatever view they adhered in this particular matter they all agreed in welcoming the attitude of Sir Wilfrid Laurier, who declined to interfere in affairs which were purely the internal affairs of another Colony; they also appreciated—gratefully appreciated—the attitude taken by the Natal Government. He wished, without any desire to promote bad feeling, and in the hope that it might possibly chance to reach those concerned, to point out that the representations made by the Premiers of Australia and New Zealand indicated rather a profound ignorance of the conditions of this country. He did not think that those gentlemen were aware of the extreme depression which existed here, nor were they aware of the fact that the country had not those sources of labour which they had before the war, and that they had failed, after many months of hard work and enormous expenditure, to get labour. He did not think that they knew that the general revenue of the country would in a few months show a considerable shortage, and that the railway revenue would most certainly show an alarming shortage. He did not think they knew, or particularly cared, as it did not concern them, how that shortage was to be made good. But it did concern them in the Transvaal very much, and it concerned them more than in the mere matter of revenue, for it indicated the most unsatisfactory condition of that particular country. He did not know whether it had occurred to those gentlemen that if they were to establish a kind of partnership—he said partnership because it was the word he preferred to use—to force to its logical conclusion they must be ready to help the Transvaal to make good the deficiencies which would follow the adoption of these views. He did not know that they were in a position to do so. But, apart from these little indications of ignorance, there was this too—these gentlemen did not know the conditions in Natal, to which Colony they addressed these circular letters. Did they know that the very same thing had been done in Natal which was now proposed to be done in the Transvaal, and done without the restrictions which they in the Transvaal proposed to introduce? Those gentlemen did not seem to know that the same thing was done in Cape Colony in the matter of the Malays: nor did they know again, or at any rate appreciate, that in Cape Colony there existed something which some people would consider more serious, viz., the enfranchisement of barbarians. He did not know whether that was too much to say, because the restrictions on the native vote had been so slight in the past that education was really no qualification. He did not think that these things had occurred to those gentlemen who addressed them on the internal affairs of the Transvaal. He did not think they knew that in Rhodesia an Ordinance similar to that before the Council had been passed, he thought some two years ago, and had received the Royal Assent. Yet they in the Transvaal now were expected to look to those gentlemen for guidance. Well, personally, he was willing to learn from anybody, but he should like to learn from the facts and not from theories. They in the Transvaal knew something about the conditions of mining and labour, and with regard to the legislation of those gentlemen he could not say that he was, personally, encouraged to follow their example from what they all knew of it up to date. They knew the position in Queensland from a man who had come direct from there, and who claimed to have been ruined there. He did not want to say the Australians were wrong, but he did say this: The experiments which

they had made presented no encouraging features and provided an example which they did not care to follow. He knew what they did in the matter of the postal contracts, where, it seemed to him, with slender rights they attempted to dictate to the Home country the conditions of service in the mail steamers. That seemed to him to be going rather far in the direction which could not tend to the federation of the Empire on satisfactory lines. He thought they must all feel that whatever were the individual prejudices of Australians, they had to pay due regard to local opinion, local rights, and local conditions; and at the bottom of it he was convinced of the complete ignorance of those gentlemen of the local conditions of the Transvaal. He would pass from Australia and New Zealand to the attitude taken up in the Cape Colony. Cape Colony was nearer to the Transvaal, and its future was, he hoped, bound up with the Transvaal. He thought it was a calamity that there should be anything in the nature of dictation from one of the other Colonies, where it could possibly be avoided. He was making every allowance for natural alarm, and for a certain amount of ignorance of the facts, but he thought there had been ample time for their neighbours to realise better than they appeared to have realised the conditions and the facts, and to judge more soberly than they appeared to have judged. He noted with something akin to amusement the opposition largely led by a gentleman whose policy appeared in the form of a sandwich. A little time ago, when what they thought, and what he still thought, was one of the most vital points in the people's condition, the matter of the franchise, was under discussion, he threw up his hands with horror at the idea of offering an opinion. Previous to that, he signed an agreement to make war for the matter of railway trade. Since then he had headed a movement to interfere —no, he (Sir Percy) would withdraw the word interfere—to dictate the conditions of their labour in the Transvaal. Well, he (Sir P. Fitzpatrick) could not follow the logic of that policy. It beat him. But he could quite see the very unpleasant consequences, and undesirable consequences, which might follow from it. They were told that with the introduction of Chinese or other inferior races under indenture, they would render themselves unfit for federation. He thought it might well occur to their neighbours that there was this question, to which he had already referred, the question of their conditions of franchise, which might crop up, and which might be a much more serious bar to federation than the employment of people under indentures, who never would and never could get any franchise or any say in this country. He was afraid there was still an opinion amongst a considerable number that the people of this country were looking very anxiously towards the head Colony for the lead, and for something in the way of benefits, and he ventured to say that that was a mistaken idea. The great majority of the people of the Transvaal saw from its geographical position that this Colony was not dependent upon Cape Colony, and that, but for the fact that it was a Crown Colony to-day, and that its natural port was under a foreign Government, there might possibly be considerable difficulties in the way of federation, and there certainly would be very different terms accorded—not asked, but accorded—by this country than were likely to be given if federation came about in the next few years. In January, 1901, he came out on board ship with the late Mr. Rhodes, and he could quote an expression which Mr. Rhodes used, because it was nearly a repetition of what he said publicly in connection with the extension north, and that was that if the people of Cape Colony did not see a little bit straighter they were going to be left out. They did not realise it yet, but if this thing dragged on they would have to take what they could get, and do whatever they were told. It had not come to that yet, but an unwise interference in this Colony's affairs, a provocation unnecessarily given, would undoubtedly raise a spirit which he hoped and believed did not exist to-day, and that spirit would very seriously affect the Cape Colony, and very seriously turn the course of federation. They had on the one hand the Colony of Natal, acting as they expected a sister Colony to act, and as they would act themselves, and they had on the other hand a contrast. He did not know whether the responsible politicians in Cape Colony quite realised the very serious question that they were raising when for party purposes they were discussing subjects which had better not be discussed, or at any rate discussing them in a spirit which had better not be shown. They were to-day in this Colony in leading strings. They knew it, but they knew perfectly well also that the centre of gravity, the centre of power, had shifted: that it was no longer in Cape Colony; that it was, if not actually, potentially and certainly for the future, here. Before they were many years older, he firmly believed that they would see a very different attitude in Cape Colony. So far from one of opposition to the Transvaal, they would have them appealing to the Imperial Government to help them to get better terms in federation from the Transvaal. There would be no question of dictation in the future. So far as one could see, the future of this country, humanly speaking, was assured if they got the labour. They had to reorganise: they had to overhaul the machine. To-day they were in the position in that Colony of getting up power; their hand was on the lever, and the machine was going to move. (Hear, hear, and applause.)

Mr. Bourke said the Attorney-General, when speaking on Sir G. Farrar's motion, mentioned that there had been no opposition, no petitions against the Ordinance. He (Mr. Bourke) had had placed in his hands a communication signed by the deputation appointed by a public meeting held in Pretoria on the 17th of December, at which a resolution was passed in favour of leaving that question of the importation of Asiatic labour for the mines in abeyance until after Responsible Government had been granted to the Colony. The deputation, which consisted of prominent Pretorians, were instructed to wait on the Lieutenant-Governor, and they met several times with the object of interviewing His Excellency, but without success. He would be glad to lay the documents before the Attorney-General.

The Attorney-General: How many were at the meeting?

Mr. Bourke said the building in which the meeting was held, St. Andrew's Hall, was crammed. Passing on to deal with the Ordinance, Mr. Bourke contended that it made no provision for the supply of labour to the agricultural section of the community. He objected

to the Ordinance because no limit was suggested to the number of labourers to be introduced. Now, before the Commission, two mining engineers gave their opinion with regard to the number of labourers required for the exploitation of the minerals of the Witwatersrand. The number was fixed at a very high figure. There was no absolute provision made for the returning of the emigrants. In clause 21 there was the penalty that if the labourer refused to work he could be returned to the country of his origin by order of the Lieutenant-Governor. On page 22 the question of returning them was again dealt with, but at page 24 it stated that if the labourer refused to return he could be condemned to imprisonment not exceeding, he thought, two years, and after that there would probably be no means of repatriating him. If they referred to the Majority Report they would see that Mr. Skinner stated that it would be necessary in importing labourers to import their women folk, by which, he took it, that they would remain fixtures in the country. Then he objected to the Ordinance as a business man, and as a member of a business community. The introduction of labourers would seriously affect the sale of the agricultural products of this country—it would reduce the markets for agriculture, and would also affect the native trade which was enjoyed by the mercantile community. He found no restrictions as to compounds, though he had understood that in the first instance compounds would be provided. The immigrants would be allowed fairly free communication with the rest of the inhabitants of the country. So far as the Ordinance was concerned, this was all he had to say at the present moment. In the matter of importing labourers he had been rather hasty, in his endeavours to be as brief as possible, and Sir P. Fitzpatrick had alluded to the hasty movement, through his notes as a "glued page." In this connection, he would like to point out the danger of importing an alien race, and the danger of contact with the native races of the country. As an illustration, he would quote the Reverend Scott Holland —a gentleman who was well known to the members of the Government—when he said at Norwich that the introduction might dishonour them, and bring an element of degradation into the country. He (Mr. Bourke) would draw attention to the fact that the greatest difficulty and the greatest trouble in the labour question was the drink traffic, and its result on the natives. It was well known to every member of that House that the country—South Africa—had one remarkable peculiarity. If one introduced a disease prevailing in any other part of the world, it seemed to flourish even more than in the country of its origin. In this country the natives had the habit of smoking dagga, and it was now proposed to introduce a race notoriously addicted to the use of opium. Had they considered what would be the result if the incoming race introduced this habit of opium? He could not vote for a measure which entailed such serious risks to the people of this country. He would ask whether Sir P. Fitzpatrick or Sir G. Farrar had considered what the effect would be of introducing the opium habit. If it were introduced they would be in a worse predicament than when the natives were devastated by the drink habit. It was a matter where the responsibility of the Government was very great. He would ask the Colonial Secretary if it would be possible to repatriate the opium habit. He could not understand how the honourable member, Mr. Hosken, a leader in his church and an acknowledged leader, could be one to in any way be a party to the introduction of a race that might very well bring in such a pernicious habit. The whole of the native races gravitated to the Witwatersrand in search of work, and Johannesburg was the centre of missionary work, yet how could that work contend against the introduction of such a demoralising and degrading habit. The question of introducing cattle was considered almost vital a few months ago, and cattle had been introduced. He would ask whether that had been of benefit in any way to the country? With the introduction of cattle came a disease which had practically swept away the cattle that were already here before the other cattle were brought in. The opium habit would not be a source of present difficulty, but would be impossible to eradicate in the future. His opposition to the Ordinance was an honest opposition; he was convinced that it was a mistake and he dreaded that the forecasts of Mr. Hull would turn out only too true.

5.10. Mr. Hosken said that it was interesting to find how diverse were the forms of the opposition which had been shown to the proposal to introduce labour. When Mr. Hull was speaking, amongst other things, he had pointed out—and he would say that he had made a plausible case so far as it went—the risks of bringing a body of 50,000 or 60,000 labourers here. But, personally, his (Mr. Hosken's) mind was quite at rest as to such contingencies, because they knew that for centuries the Eastern people had been amenable to discipline, and had been easy to manage when under proper control, and had never caused difficulties such as those indicated by the honourable member. He thought they had before them a specific illustration of actual experience in the Malay Peninsula regarding the control of Chinese labourers in mining districts, where there was a much smaller proportion of whites than was the case here. There there were thousands of Chinamen and only a slight proportion of white overseers. He thought they were quite safe to find that the labourers would be easy to manage when controlled in an efficient manner. When Mr. Bourke began to speak he (Mr. Hosken) was inclined to think that instead of opposing the introduction of labourers, he wanted to carry the proposal much further, as he made out a case for the whole country: "Why should not the farmers have labour?" Therefore, instead of supporting the proposal the natural corollary would have been for the honourable member to advocate free and open introduction of such labour wherever it might be required or asked for. He himself was inclined to say that that would be the ultimate result. In Natal the Indian labourers had shown their usefulness so completely that the demand grew and the actual position now was that as many were wanted above as below Maritzburg, which showed that the stock farmers, &c., were as desirous of having the labourer as those concerned in coast industries. The honourable member had further objected from the trading point of view, but, keen trader that he was, he was on the wrong track, for they knew that the introduction of such labour by no means diminished trade. In Natal—since the introduction of coolies—trade had increased itself three or four time at least. The increase could not be measured from mere volume of imports coming in under special taxation because the native was advancing in civilisation, and consumed articles classed as being for European consumption. The introduction of labour would improve trade conditions throughout the country. Then came the

question of the opium habit alluded to by Mr. Bourke, and they were, he thought, all at one in saying that it was a terrible thing and a curse indeed. But it happened that he had recently, through the assistance of a friend on the coast, been carefully through a report on the Chinese in California, which went back to the time when Chinamen were first introduced. He had been surprised to find—and glad to find—that it was stated that the condition of Chinamen was no worse than would be that of a small Colony on the boundary of civilization. The question of opium had been carefully examined; and the Chinese labourers taken as a body were not given to this vice, and were also considered industrious; they were clean livers if given reasonable conditions of life. As a people of 400,000,000 the Chinese were not given to the opium habit. It was only a very small proportion that was given to it—mainly people resident in seaports where they came under bad conditions and in contact with Europeans. Personally he was not afraid of the position. The honourable member had also referred to a certain section of the church that was interested in mission work, and he (Mr. Hosken) happened to be able to quote a representative opinion which stated that from a missionary's point of view one could not oppose the introduction of Chinese labourers; on the other hand an opportunity was seen in it for missionary work and enterprise, and it was hoped that a good influence might be exercised on the Chinese. He would refer to the cable from the Premier of the Australian Colonies and would say that Mr. Deakin was entirely mistaken in the position in South Africa; but Mr. Deakin had probably taken up his position because of a certain vote, and had moved in the same direction as the Commonwealth did. He had not, however, recognised that here the position of servile labour had been recognised, and by no one more than the Labour Party, so far as it had been organised. Every mechanic was in favour of servile labour; every miner was in favour of it; and all such thought that servile labour should be obtained. He was convinced that was the position; he had never heard to the contrary. When a mechanic went to perform a job he did not even carry his own tools, and the position they had to accept was that the skilled labourer worked and the servile labourer waited on him, and if it was not so he was satisfied the condition of the country would demand that some such state of affairs should be brought about. They had an estimated population of half a million whites and four and a half millions coloured people, and the Premier of Australia had apparently entirely overlooked the fact that they had in South Africa that vast population of coloured people, and had only in front of him the position as in Australia—white Australia, and the natural result, white South Africa. The conditions of the country as they had been built up provided for servile labour, and only under such conditions could their industry progress, and because of that their natural endeavour would be to continue the state of affairs under which the industry and the whole country had been built up, and to carry them on. Suppose they took the advice of the Premier of Australia and decided that no more coloured labour should come in, and did their best to eliminate coloured labour, the only other alternative would be cheap labour from the Mediterranean, and he was convinced, whether in the interests of the black population or in the interests of the white skilled population, it would be a most disastrous thing if they introduced such labour. If they were to bring in Italians or Hungarians at 5s. a day and upset the whole social fabric, it would be a disastrous thing for South Africa. Anything was preferable to bringing in cheap labour from Southern Europe.

5.30. Mr. Loveday said he was not going to trouble them with a lecture on the virtues of the Chinese, like Mr. Hosken, but he wished to refer to one point he made regarding the enormous volume of trade which was created by the alien population in Natal—that unfortunate country that was rapidly becoming a black man's country—but he forgot to tell the Council that that volume of trade went into the pockets of the Indian traders. There were one or two other points to which he wished to refer. The Attorney-General referred to Captain Hamilton Fowle's report in support of his argument that they had been able to control the alien races; he pointed out how well the Peace Preservation Act had worked. From his (Mr. Loveday's) knowledge and the knowledge he had gained from persons living in Pretoria he could assure the Attorney-General that there were far more Indians there than there ever were before the war, and a great number of Indians who were not there before the war. Perhaps the Attorney-General had not forgotten that some time ago, when the Administration was under the impression that Indians were coming into the country somehow, either by personation or other means, and a list of fictitious names was put up in Delagoa in order to ascertain whether personation was going on, that immediately the list was put up a number of Indians answered to the names and attempted to come through, showing how difficult it was to control the wily Asiatic in these matters. He had not the slightest doubt Mr. Van Rensburg was correct regarding his meetings in the Heidelberg district, but he (Mr. Loveday) had not been so fortunate when he met his poor friends and some of the leading men of the Pretoria district and discussed that question. They invariably told him they were opposed to Chinese. A friend of his who travelled from Bethal the other day, and who met from 30 to 40 of the oldest residents, told him that everyone he met was opposed to Chinese. The Attorney-General referred to Australia, and had shown how Australia was suffering by keeping out labour. It might be so, but apparently the Ministry of Australia thought otherwise, and they thought the question was such a grave one that they warned them against accepting Chinese labour. And whatever Sir Percy Fitzpatrick had said, he contended, at any rate, they were in a position from their own past experience to offer them advice. There was not a gentleman in that Council whom he knew of was in a position to speak on that question from personal and practical experience, so that they themselves were merely gathering knowledge from what they heard and read, and they found the Ministry of Australia thinking the question so serious as to offer their advice. The Attorney-General was opposed to their dealing with the regulations in the law; he (Mr. Loveday) might point to sub-section 5, where provision was made regarding the introduction and the repatriation of labourers and their families. That was a most important point, and was not a matter for regulations; it was a matter which the Council ought to consider, because it was the importation of these families into the country that would naturally lead

to an attempt by the labourer to remain in the country if he found matters more congenial than in China. He thought the regulations should be laid before the Council and should practically form part and parcel of the Ordinance. As far as he personally was concerned, the Council had accepted Chinese labour, and he intended to help to make the Ordinance one which would safeguard the public as much as possible from an influx of Chinese. (Hear, hear.)

5.40. Sir G. FARRAR said he thought there was no need to add any further argument to what he had said the other day as to the advisability of introducing that measure. There was one question Mr. Hull had raised in regard to a certain petition. There was no doubt that petition was the result of skilful organisation. He had always learned that success, whether in industrial life or political life, must be the result of organisation. That petition he would have the honour to present to the Council on Monday next. There would be upwards of 40,000 signatures, duly audited, to that petition. (Hear, hear.) He thought that petition would once and for all decide the question whether the bulk of the people in the Transvaal were in favour of that measure or not. (Hear, hear.)

5.41. Mr. RAITT said many points had been raised in the debate which were of considerable interest, and he might say in corroboration of what Mr. Hull had stated that those of them who were opposed to the introduction of Chinese labour were still of the same mind, and they had not hedged a hair's breadth, and were still as bitterly opposed to the whole scheme as ever, and if they, as stated by Mr. Hull, and he quite agreed with him, proposed to do the best they could to make the Ordinance workable, it was not to be taken for one moment that they had altered their opinions. It was rather amusing to listen to the speech of Mr. Van Rensburg. The Boer population was estimated at 50,000, and the opinions of the 500 who were at his meetings should not weigh with them. They never had to fear the Boers who came into the open, but they had every reason to be afraid of the large bulk who did not express their opinions. Both parties in the Cape Colony were uncompromisingly opposed to the introduction of Chinese, and Natal had taken up a position of non-interference. He did not think Sir Percy Fitzpatrick could have read the Natal Hansard of the proceedings of the debate on that question. He (Mr. Raitt) had opportunities of speaking to members of the Natal Legislature, and their contention was that they could not express an opinion on the question, when they had already committed their own Colony to a policy which had proved so disastrous. The Australian Parliament had carefully gone into the full particulars of the question, including the text of the Ordinance.

The ATTORNEY-GENERAL: Where did they see the Ordinance?

Mr. RAITT: They state so in their cable. Continuing, Mr. Raitt said the Australian Parliament had come to the conclusion that the introduction of Chinese would be disastrous to South Africa. Mr. Hosken had introduced the same arguments that the opposers of Sir G. Farrar's motion adduced a fortnight ago. (Laughter.) Mr. Hosken said there were as many applications for the servile labour north of Maritzburg as there were on the sea coast, where they were supposed to be originally introduced for. If there was anything in Mr. Hosken's argument, the Ordinance was a complete farce, but he was very much inclined to think there was a good deal in his argument, and if the Transvaal went ahead, it would be found that other industries—agriculture and others—would demand to have that labour put at their disposal, and when that labour was distributed over the country how could they possibly control it. It would be a waste of time. He had to emphatically contradict Mr. Hosken's statement that the mechanics of the country were in favour of the introduction of Chinese. The mechanics were Britons, and they knew what freedom was, and they would not tolerate under any conditions any form of servile labour. There were different forms of labour, but under the British flag servile labour could not be introduced. They had skilled and unskilled labour, as existed in the Old Country. He had no doubt that the justice that obtained in China was the best that was possible, but they could not propose to introduce the same drastic justice into the Transvaal as obtained in China. They knew that in China executions were frequent for the most trivial offences, and they knew that torture was part of their justice, and how could they possibly control these people by the more humane methods of Western law. If these labourers and their families were allowed to live in the country those who were born in the country would be British subjects, and the Government would be comparatively helpless to deal with them.

5.50. Mr. SOLOMON moved that the Standing Orders be suspended in order to let the House sit until 6.30.

The ATTORNEY-GENERAL seconded and the motion was agreed to.

Mr. SOLOMON said that if there was one thing more than another which members would appreciate it was the fact that all the members of the Council intended loyally to make restrictions as far as possible, and to enable the Bill to be successfully carried out. (Hear, hear.) He thought it had been a very instructive debate—they had been all round the world that afternoon, and members must have received considerable instruction and enlightenment from the speeches. The chief argument of those who had opposed the principles of the Bill was the fact that the great majority of the Dutch population were against it. Whether that was so or not, he did not know, and he could only take the facts as he found them. Two meetings had been held by Mr. Van Rensburg, and these had partly supported his action. It was fourteen days since the principles contained in the Bill were passed. They knew that the Dutch were a strong people in this Colony, and they knew that when they found anything proposed against their interests they were not backward in coming forward. He asked those members who were opposed to the Bill if they could point to one meeting or deputation, or one petition to the Council, against the importation of Asiatics. (Hear, hear.) It had been said that the Bill

did not provide for the Dutch inhabitants of the country. But he said that it did provide for their prosperity, because the Dutch people realised that the mining industry was the backbone of the country at present, and unless it could get foreign capital for the development of the industry, there could be no prosperity. He believed that was one of the chief reasons why they were satisfied to stand aside: they were satisfied that there was not sufficient labour to-day for the mining industry to be developed, and consequently they must recognise that it must come from some other source. He was more than pleased to see that they had the assistance of Mr. Hull and those members who had voted against the principles of the Bill—in seeing that the proper restrictions were carried out. He could not but believe that if they worked together and saw that proper restrictions were imported into the Ordinance they had sufficient intelligence in that Council to make it impossible for those people to become a pest to the country. It had been said that they were going to introduce the worst class of Asiatics, but he was not aware that such was the intention of the movers of the scheme. He understood the intention was to get labour whether Chinese or Indian, but not from the coast ports. He hoped that Mr. Bourke would really make up his mind by the time they came to the discussion of the Bill on Monday. When the principles of the Bill were discussed the other day, he said he sympathised so far as the resolution went, but, at the same time he said he should vote against it. His arguments were of such a nature that they were not certain how he would vote till the division was called. To-day he was in the same position, and asked the Attorney-General to widen the scope of the Bill. He did not want the Asiatics to come to the Witwatersrand alone, but would like to see them in Pretoria. What Mr. Bourke was going to do with them there he did not know, but he supposed the Town Council would decide. (Laughter.) He felt that if the honourable member took up that attitude he would stand alone, for those who had voted for him before would not support him in his action.

Mr. BOURKE said he had not asked for the Bill to be widened. After the agricultural needs of the country had been emphasied, the Ordinance did not provide for them.

Mr. SOLOMON said that he quite understood the honourable member. He did not wish the Bill to be widened, but he wished the scope to be enlarged. (Laughter.)

6.0. The PRESIDENT put the motion that the draft Ordinance be read a second time. So far as he could gather there was only one member would say "No," and the President declared that the "ayes have it."

On the motion of the ATTORNEY-GENERAL the Committee stage was fixed for Monday next.

The Council adjourned at five minutes after six o'clock.

THE LEGISLATIVE COUNCIL.

MONDAY, JANUARY 25, 1904.

The Council met at Two of the Clock.

PETITIONS.

THE LABOUR IMPORTATION ORDINANCE.

Sir G. FARRAR presented a petition in favour of the importation of indentured coloured labour. In doing so, he said the petition had been forwarded to him for presentation to the Council by the members of the Labour Importation Association and other inhabitants of the Transvaal. On it appeared the signatures of 45,078 white male adults, distributed as follows:—Residents in Johannesburg and the Rand, 27,905; employees of mining companies, 7,106; residents in Pretoria and country districts, 10,067; total, 45,078. The petition was couched in respectful language, and he was satisfied from personal knowledge and from the sworn affidavits of the canvassers that it was an absolutely bona fide document. The prayer of the petition was as follows:—

> Whereas your petitioners humbly pray that it may please your honourable House to take this petition into your favourable consideration, and to enact such law or make such provision as will permit the importation of unskilled coloured labourers from such place or places, and subject to such conditions and restrictions as to your Honourable House may seem fit.

Sir G. FARRAR concluded by moving that the Clerk should read the petition to the Council.

Sir P. FITZPATRICK seconded, and the motion was agreed to.

The Clerk then read the petition.

[COLONIAL OFFICE NOTE.—Further reports of the discussion will be found in Appendix I.]

No. 39.

GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE) to MR. LYTTELTON.

(Received February 27, 1904.)

SIR, Government House, Cape Town, February 10, 1904.

I HAVE the honour to transmit to you, in continuation of my despatch of the 3rd February last,* the documents specified in the annexed schedule, enclosing resolutions protesting against the introduction of Asiatic labour into South Africa.

I have, &c.,
WALTER HELY-HUTCHINSON.

SCHEDULE OF ENCLOSURES.

1. Letter from Town Clerk, Aliwal North. February 1, 1904.
2. Letter from Town Clerk, Robertson. February 4, 1904.

Enclosure 1 in No. 39.

Municipality of Aliwal North,
Town Office, February 1, 1904.

SIR,

I HAVE the honour to inform you that at a crowded and enthusiastic meeting held in the Town Hall, Aliwal North, on the 30th ultimo, at which Dr. Jameson was present, with His Worship the Mayor (F. G. Alger, Esq.) presiding, the following resolution was carried by an overwhelming majority, viz. :—

"That this meeting of Citizens of Aliwal North, having heard with the utmost regret that the Transvaal Legislature has practically decided on the introduction of Chinese, and feeling convinced that their introduction is prejudicial to the interests of the whole of South Africa, urges upon the Progressives to support the Bill already published by Dr. Jameson to exclude them from the Cape Colony, and trusts that the various constituencies in Cape Colony will insist upon all candidates promising their support to the measure. Copy of this resolution to be sent to His Excellency the Governor."

I have, &c.,
FRED. S. EMARY,
Town Clerk.

His Excellency
The Governor.

Enclosure 2 in No. 39.

SIR, Municipal Office, Robertson, February 4, 1904.

BY direction of the Mayor, I have the honour to forward herewith copy of a resolution, in connection with the proposed importation of Chinese labour into British South Africa, passed at a public meeting of inhabitants of the town and district of Robertson on the 23rd ultimo, with the request that you will kindly lay the same before His Excellency the Governor, with the prayer that he will be good enough to forward copies thereof to His Majesty's High Commissioner for South Africa, and to the Secretary of State for the Colonies.

I have, &c.,
BASIL JONES,
Town Clerk.

The Private Secretary
to His Excellency the Governor,
Government House, Cape Town.

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* No. 30.

RESOLUTIONS adopted at a Public Meeting of Inhabitants of the Town and District of Robertson, held in the Town Hall, on Saturday, January 23, 1904.

Resolution 1.

That the inhabitants of the town and district of Robertson view with extreme concern the possibility of the introduction of Chinese labour into British South Africa, and place on record their earnest conviction that the entry of large numbers of Chinese into any one Colony would be to the detriment of the whole of South Africa; that such entry would be a hindrance to the prosperity of the white and coloured population of this country, and that it would seriously injure the aboriginal inhabitants of this part of the Empire by retarding their natural development in the paths of industry and civilisation.

Resolution 2.

That the inhabitants of the town and district of Robertson pray that the Imperial Government will withhold sanction from any legislation introduced in any Colony of British South Africa not enjoying Representative Government to facilitate the importation of Chinese labour into British South Africa.

Resolution 3.

That a copy of these resolutions be forwarded to His Excellency Sir Walter Hely-Hutchinson, Governor of this Colony, with the request that copies of the same be forwarded to His Majesty's High Commissioner for South Africa and the Secretary of State for the Colonies.

Resolution 4.

That a copy of these resolutions be forwarded to the Prime Minister of this Colony with a request that the Government will do all in its power to give effect thereto.

No. 40.

MR. LYTTELTON to GOVERNOR SIR W. F. HELY-HUTCHINSON (CAPE).

(Sent 12.10 p.m., March 1, 1904.)

TELEGRAM.

March 1. No. 1. I request that you will inform your Ministers that I have received the Minute from the late Ministry reported in your telegram of 20th February, No. 1.*

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* No. 31.

APPENDIX I.

DISCUSSION IN THE LEGISLATIVE COUNCIL.

THE "STAR," JOHANNESBURG.

MONDAY, JANUARY 25, 1904.

LABOUR IMPORTATION ORDINANCE.

HOUSE IN COMMITTEE.

3.7. On the motion of the ATTORNEY-GENERAL, the House went into Committee to consider the Labour Importation Ordinance.

Mr. HULL, as an amendment, moved the addition of the words "for service in the gold mines in the Witwatersrand district" to the definition of "labourer" in Clause 1, which was as follows: "Labourer means a male person belonging to a non-European race other than one of the races indigenous to Africa south of 12 degrees north of the Equator, introduced into this Colony under contract of service." The Committee, he said, would remember when Sir G. Farrar introduced his motion on the subject it was stated that in terms of the majority report, labour introduced into the Colony should be confined to work on the mines. He wanted the labourers limited in this respect.

The ATTORNEY-GENERAL said there was no serious objection to this, but he would point out that this was merely a definition of "labourer." The enacting part of the Ordinance said that no labourer should be introduced except for the exploitation of minerals in the Witwatersrand district.

Mr. HULL said that when the labourers were indentured in Asia or elsewhere, they should be indentured for labour on the Witwatersrand mines—he wanted that to be perfectly clear. If there was no objection he presumed the Attorney-General would accept the suggestion.

The ATTORNEY-GENERAL said that in Clause 8, dealing with contracts, there were certain conditions laid down, and as he supposed the contracts would be signed he thought it would be known that the labour was only for the Witwatersrand mines.

Mr. HULL said he would strike out the word "gold" in his amendment, as he did not want to exclude coal mines.

3.12. Sir P. FITZPATRICK asked what was the legal definition of the Witwatersrand district.

The ATTORNEY-GENERAL said it was defined as that over which the High Court of Johannesburg exercised jurisdiction.

Mr. HULL thought it was doubtful from the Ordinance whether the labourers' operations were to be confined to the Witwatersrand.

The ATTORNEY-GENERAL remarked that Clause 6 laid it down that labourers should not be employed elsewhere.

3.15. Mr. HULL withdrew his amendment.

Mr. HULL moved the substitution of the following definition for the definition of "unskilled labour" in the first clause:

> "Unskilled labour" means such labour as is usually performed in gold mines in the Witwatersrand district by persons belonging to the aboriginal races or tribes of Africa south of the Equator, and shall exclude the several trades and classes of occupation following: Carpenter, blacksmith, mason, electrician, bricklayer, fireman, amalgamator, assayer, miller, timberman, banksman, signalman, pumpman, platelayer, skipman, fitter-turner or shopman generally, engine-driver, wire-splicer or rigger, boilermaker, pattern maker, sampler (mine and cyanide), cyanide shiftsman, mine overseer, gardener, groom or coachman, stoper or miner, rockdriller, drill sharpener, machineman, pipeman, trammer (underground and surface), ganger, machine fitter, millwright, sorting or crushing station overseer, hawker, shopkeeper, general or special trader, clerk and such other trades and classes of occupation as shall from time to time be determined by the Lieut.-Governor.

Mr. HULL, continuing, said he had taken this list from one given by Sir G. Farrar when addressing a meeting of miners on the 31st March last. It was only right that the unskilled labourer should be restricted.

The ATTORNEY-GENERAL said he had already consulted with Mr. Hull, and had no objection to the definition. He had had a communication from the Chamber of Mines, and had no objection to certain trades and occupations being specified in which the labourers could not work, but he thought the better course would be to add to the definition as given in the original clause the words "and in particular shall not include any of the occupations mentioned in the schedule of the Ordinance." The House could then carefully consider the trades, &c., to be included. He had received a list from the Chamber of Mines and one from Mr. Whiteside, and it was difficult to reconcile them, and the best thing to do was to have the occupations set forth in a schedule at the end of the Ordinance.

3.19. Sir P. FITZPATRICK said he would like to remark that the list referred to had not been sent by the Chamber of Mines, but by a committee constituted from the Chamber of Mines and other bodies. Three out of four of the representatives of the Chamber of Mines disagreed with what had been recommended. He would like to say that it was rather difficult to bring forward an objection, as one was likely to be misunderstood. He was in complete sympathy with the hon.

member in his effort to safeguard the Colony in every possible way so that the Chinaman, if he came, could not trench on the work of the white man. But he would ask whether simplicity would be obtained by such definitions of trades and occupations as were now given. Taking a word or two at haphazard he found the words "stoper or miner." The very object was to have labour for stoping, and he wondered how a magistrate would be able to decide. Stoping was unskilled work done by the kafirs, and drill sharpening was done by a white man and a number of kafirs, and tramming was also done by kafirs. Nor did he see what a general trader had to do with gold mining. If the list was necessary, and he did not say that it was not, it should be carefully gone through, otherwise one of the main objects of the Ordinance would be defeated.

3.23. The ACTING COMMISSIONER OF MINES said that in looking through the list of prohibited trades, he saw that it included mining and stoping—the very object for which the importation of labourers was taking place.

The Attorney-General's amendment, that the words "and in particular shall not include any of the occupations mentioned in the schedule of this Ordinance" should be added to the definition, was agreed to.

3.25. Mr. HULL moved the deletion of the definition of "premises" in Clause 1. If hon. members referred to the definition, he said, they would find that premises were defined as including the "place where labourers were actually engaged in working and one mile in every direction from such place." He thought they should rely on Clause 16, which stated that labourers must reside on the premises in which they were employed. They would be able to go about the mine and not go all over the Rand.

3.28. Mr. RAITT said they ought to make provision in another part of the Ordinance so that labourers should not be permitted to go to certain populated districts. He would introduce an amendment to this effect when they considered Clause 17.

The ATTORNEY-GENERAL said he had no objection to Mr. Hull's amendment.

3.30. Mr. HOSKEN said the trading classes were strongly opposed to anything in the way of compounds, and compounds would be practically created if Mr. Hull's amendment was passed. Trading licences were not permitted on the mines, and to make compounds would close up any possibility of trading with that section of the labourers and would create very great difficulty. He thought that administration would also be a great difficulty. Take the Jubilee Mine as an example; it was only about 300 or 400 yards in length, and if such an area was to be compounded it would shut up the labourers in a very small space indeed. He did not think it would be reasonable or right to so close them up. From the point of view of trading this would be entirely contrary to everything that had been made a fundamental principle amongst Chambers of Commerce—Pretoria especially had been strong in opposition to the introduction of anything in the way of a compound.

The ATTORNEY-GENERAL said there was no suggestion of a compound system. If the labourer wanted to go out to buy things, they could get from the employer a permit, which was available for 48 hours. He did not suppose that a labourer would require longer than that to make such purchases as he could afford.

Mr. HOSKEN said he thought the system would prove useless. The labourer should be allowed to move about; it was desirable on the grounds of health and on the grounds of trading.

Mr. SOLOMON said the labourers must be located somewhere; they could not be allowed to go from one end of the Rand to the other.

Sir P. FITZPATRICK asked if the "premises" did not mean the place of residence? There was another provision which allowed the labourers to go out. Mr. Hosken had said if permits were given wholesale the labourers would be all over the Rand, and then he proposed that they should go free from permits. If they could get the definition of premises finished they could discuss the conditions under which the labourers could go out.

The deletion of the definition of "premises" was agreed to.

3.38. Mr. HULL moved the insertion of the definition of the Witwatersrand district as "the area within which the Witwatersrand High Court has jurisdiction."

Sir P. FITZPATRICK: Can we have the legal definition now?

The ATTORNEY-GENERAL said it was defined by a Government Proclamation.

Sir P. FITZPATRICK said it might exclude a number of mines.

Mr. LOVEDAY said they wanted to fix it definitely—the High Court might increase its jurisdiction. It should not be a changeable quantity.

The ATTORNEY-GENERAL said the area might be altered by the Lieutenant-Governor. If they wished to have the area confined for the purposes of the Ordinance to what it was to-day, members should first see what it was exactly from the Government Proclamation. Some mine might be left out, and if that was so there would be a natural objection to it being accepted as it was at present.

Sir G. FARRAR: I would suggest that the Commissioner of Mines be asked to have a plan drawn up to show exactly what is the area of the district of the Witwatersrand, so that we might know exactly what mines come in.

Mr. LOVEDAY: I agree with that, so long as we have a definite area and we hold to that area.

The ATTORNEY-GENERAL: I think we had better postpone the question, and in the meantime hon. members can see the Proclamation and see whether it is satisfactory.

DEFINITION OF "PERSON."

Mr. HULL moved to insert the following new definition, remarking that he took it from the Cape Act:—"'Person' shall include any association or body of persons corporate or incorporate, and when any provision of this Ordinance is contravened by such association or body, the members or servants thereof who authorise, take part in, or knew of such contravention."

The ATTORNEY-GENERAL: I would point out to my hon. friend that the definition of a person is not really necessary in this Ordinance. Whenever the word person is used in the Statute it shall mean to include joint stock company, any Municipal Corporation, or any body of persons who are incorporate or not. But I quite admit that the provisions my hon. friend wishes to make with regard to the liability of servants of corporations is a very important one. I think, however, that it is better to make provision of this kind later in the Ordinance, and not to put a clause of that kind in a definition. Therefore I think it is better to have a clause in the Ordinance to that effect, so that when any provisions of the Ordinance are contravened by any corporation the servant or servants of that corporation shall be liable.

Mr. HULL: I understand my hon. friend the Attorney-General to support it?

The ATTORNEY-GENERAL: Certainly.

Mr. HULL then withdrew his motion.

The CHAIRMAN then put the question that Clause 1, pending an opportunity to be given for the consideration of the extent of the Witwatersrand area, be postponed.

This was agreed to.

PROPOSED BOARD OF CONTROL.

Mr. HULL, on Clause 2, moved to delete the whole of this clause, and to insert the following new Clause (2) instead therefor:

(1) The Lieutenant-Governor shall as soon as conveniently may be after the taking effect of this Ordinance appoint a Board of Control (herewith styled the Board) consisting of not less than three or more than five persons who shall have the general administration of this Ordinance; and shall perform such duties and exercise such powers as may be imposed on them by this Ordinance or by regulations made thereunder.

(2) No person shall be appointed or shall act as a member of the board who is an importer or an employer of labour as defined by this Ordinance, or who is a director, manager or officer in the employ of any company or person engaged in mining in the Witwatersrand district.

(3) The Lieutenant-Governor may in consultation with the board appoint a superintendent of labourers (hereinafter styled the superintendent) who shall carry out and discharge such duties and exercise such powers as shall from time to time be imposed on him by this Ordinance or by regulations made thereunder, and may likewise, from time to time, appoint such inspectors, medical officers, clerks and other officers as may be necessary for the proper administration of this Ordinance.

The hon. member said he thought this was one of the most important amendments to be considered. It proposed to expunge Clause 2 which enacted that the Lieutenant-Governor might appoint inspectors and a superintendent, who should have generally the administration of the Ordinance. Under his proposed amendment it was suggested that the administration of the Ordinance should be vested in a Board of Control. This Board of Control was to consist of not less than three or more than five persons. He was not particular as to the number as long as the principle was established that the administration of the Ordinance should be vested in a body of gentlemen appointed by the Lieutenant-Governor, which body should not be directly or indirectly interested in any mining concern. He (the speaker) wanted the proposed board to consist of persons who were neither directors, mine managers, nor secretaries of companies, and he submitted on the face of it that it must appeal to every member of the Committee that this suggestion of his was eminently fair and reasonable.

Sir G. FARRAR opposed the amendment because he thought it was absolutely unworkable. He took it that the coolies to be imported were to be under the control of a Superintendent of Asiatics, and that superintendent would be answerable to the Government. But it was now proposed that the superintendent should be answerable to a Board of Control, who might consist of Government nominees, members of the Government, or persons outside. Well, those who were to employ these coolies were perfectly prepared that they should be under the orders of the Superintendent of Asiatics who should be under the instructions of the Government; but he did not think, that if outside influence was to be brought in for the control of Asiatics, it would have a very disastrous effect. The hon. member said that no one interested directly or indirectly in mining could take a seat on the proposed board, and he went further and said that no one who held a single share in a gold mine on the Witwatersrand area should have a seat on the board. (Mr. Hull: No, no.) What would happen, he thought, if any question arose as to this Board of Control would be this: There would probably be no one to answer for the board in that House. If the public were not satisfied that the Government would carry out its obligations and duties under this law, they always had the power through any member of the Legislative Council to bring up the conduct or supervision of the Superintendent of Asiatics before the House. He thought that was sufficient, and if they were to have a Board of Control of members composed of men not directly or indirectly interested in mining, it would bring in a foreign element which would not tend to smooth and harmonious working.

Sir P. FITZPATRICK also opposed the amendment. He could understand the amendment if the proposal to import Asiatics were a vicious one, or intrinsically dangerous, but, while he held that it could be carried out without injury to the State, he did not see any objection to making the Government responsible for the administration of the law, and not merely a committee of private individuals. He thought it was eminently a case for administration by the Government, just as much as native affairs was. He saw no difference at all. He would very much prefer to have Government control. He thought the proposal to have control by a party not interested could only be beaten by one more objectionable, and that was to put the control of this law in the hands of the party who were interested. The Government were the proper people to control this. The Government were quite good enough for the mines, and he thought they might be quite good enough for the general public. Here was an enactment which was conceived with the idea of protecting the country. It was merely a matter of administration. If they could not trust the Government, and the machinery of the Government, to deal with it and administer it properly, then he did not know where they were.

Mr. SOLOMON said his hon. friend was quite correct when he told the House that this was a most important amendment, and he sympathised with the hon. member. In the draft Ordinance the Lieut.-Governor would have supreme control, and he would rely, to a very great extent, on the reports of the Superintendent of Asiatics. He (the speaker) thought it would be a very great assistance to the Government and the Lieut.-Governor if there were, what might be called a Local Board to advise the Lieut.-Governor from time to time as regards any suggestions that might be made. The Lieut.-Governor, according to the draft Ordinance, was entirely dependent on the report of the Superintendent, and, whereas, if they had a Board of Control, such as suggested by the hon. member, Mr. Hull, there would be some continuity, and he thought the Lieut.-Governor would be very glad to get the advice of such a Board. Another point that appealed to him (the speaker) was this: Such a Board would absolutely safeguard the public in every possible way. To-day, whatever might be said to the contrary, many a man who was in favour of the importation of Asiatic labour so favoured it because he was being starved by the exigencies of the country into submission. (Mr. Hull: Hear, hear.) Many did not agree with the importation of Chinamen; but they saw they could not do anything else. Under the circumstances, he thought it was advisable that there should be such a Board, and he hoped the Government would agree to the amendment suggested by the hon. member, Mr. Hull.

Mr. HOSKEN thought the proposal of the hon. member, Mr. Hull, had much to recommend it, but it would prove unworkable. It did not seem unreasonable that those most interested in the carrying out of the law should make the necessary arrangement that had been done in the Colony of Natal, where the Immigration Trust Board has proved in clause 5, that that Board should consist of five members to be elected by four divisions of the Colony, the district of Victoria, which was most concerned, having two members.

Mr. LOVEDAY sympathised with the amendment, but said he would go a little further. Clause 2 of the draft Ordinance provided that the officials were to be appointed by the Superintendent. He thought it was not a good thing to place that enormous power in the hands of one man in a matter of this kind.

The ATTORNEY-GENERAL: It does not say so. It says the Lieut.-Governor.

Mr. LOVEDAY said the clause was rather involved. The object of the proposed Board was to control as much as possible Asiatic immigration. They knew that there was in this country a holy horror at the introduction of the yellow man, and it was not desirable that the matter should be in the hands of one man. Mr. Hosken had pointed out that they had a Board in Natal, and that that Board had worked very well. He thought that they could get in the district of the Witwatersrand men independent, and who had a thorough knowledge of mining, to accept a position on the Board, and, therefore, he had much pleasure in supporting the appointment of a Board, and he felt perfectly certain that the Government would recognise that the Board could assist them very materially, and would probably prevent, in future, any statement being made regarding the administration of the office when it was in the hands of a single individual.

4.25. The ATTORNEY-GENERAL said he had read the amendments which his hon. friend Mr. Hull proposed to make to the Ordinance, and thought they were very fair and reasonable. It was perfectly clear that Mr. Hull's intention was not to defeat the object of the Ordinance, but he (the Attorney-General) must confess he could not altogether swallow the amendment now before the Committee. He had only one objection to that amendment, but it was a very substantial one. It appeared to him to be an amendment which violated a very sound constitutional principle, by relieving the Government of the responsibility of administering an Ordinance which gave effect to a policy for which they were responsible. His hon. friend Mr. Solomon said many people had been induced—starved was the expression he used—into submision to this measure.

Mr. SOLOMON: By circumstances.

The ATTORNEY-GENERAL said he had not been starved into submission. He supported it because he was satisfied that it was necessary to supplement the native labour in this country from outside South Africa, but he knew perfectly well when he supported it the responsibility which he incurred, and he knew perfectly well that if the Ordinance was not properly administered and the introduction of labourers under the Ordinance resulted in evil to South Africa, he was one of the persons who would have to be hanged. Now, if he had to be hanged he would like to be hanged for something for which he was responsible, and for something which the Board of Control was responsible for, and, therefore, he was very loth indeed as a Member of the Government to part with their control over the administration of this Ordinance. If the amendment were carried it was perfectly clear that the superintendent and other officials appointed by the Lieut.-Governor would have to take their orders from the Board of Control, and the Government would be able to exercise no control whatever over the Board; they would have to sit still, with their arms folded, and see that Ordinance which gave effect to a policy for which they were responsible administered

by some person outside the Government altogether. And if it were not properly administered some member of the Legislative Conncil would next session, or the session after, call the attention of the Government to the maladministration of the Ordinance by the Board of Control, and all the Government would be able to say was that they were not responsible, that the Board of Control, over which they could exercise no control whatever, was responsible. There was no reason whatever why the Ordinance should not he administered by a department of Government, as other laws were administered by departments. The superintendent appointed by the Lieut.-Governor would, of course, be under the control of some member of the Executive Council, and that member would be responsible to the Legislative Council for the proper carrying out of the orders, and he thought it was much better to leave that Ordinance to be administered by the Government. If they failed then it would be time enough for the Council to come forward and ask that the administration of the Ordinance should be taken away from their control and placed under the control of some person not responsible to the Government.

4.32. Mr. BOURKE opposed the amendment on the ground that such a board would be cumberous merely without in any way achieving the results which Mr. Hull expected. In the case of Natal the Board of Control was an elective body, elected from the different districts where the labourers were employed. If there were any such elective control possible he would favour it, but under the circumstances he preferred to leave the administration in the hands of the Government.

4.33. Mr. RAITT said he thought such a Board as was indicated in the amendment was necessary. The Attorney-General seemed to assume that such a board would be outside the control of the Government, but that could scarcely be so when it was appointed by the Lieut.-Governor. It must necessarily be responsible to the Lieut.-Governor, and it could easily be so constructed that the Board was responsible to the Executive Council. The main reason he had for supporting this innovation was that he anticipated there would be great difficulty in the carrying out of the Ordinance. Sir P. Fitzpatrick looked upon it as a very innocent thing altogether and there would be no serious difficulties in carrying it out, but he (Mr. Raitt) believed the most serious difficulties would exist, after a short time when the white employees of the mines, who were now working with kaffirs, had to work with another race whom they detested, and whose language and customs they did not understand. Therefore, he thought it far better if this board were instituted, having power to settle a number of these disputes. Otherwise he feared that the time of the magistrates would be very much taken up in settling these troubles which would arise.

THE DIVISION.

A division was taken on the amendment, which was defeated by 14 votes to 10. The voting was as follows :—Against the amendment : The Attorney-General, the Colonial Secretary, Sir Godfrey Lagden, the Acting Commissioner of Mines, Sir P. Fitzpatrick, Sir G. Farrar, Mr. Fabian Ware, the Director of Agriculture, the Postmaster-General, the Surveyor-General, Dr. Turner, Dr. Ward, Col. Fowke, and Mr. Bourke.

For : Messrs. Cronje, Roux, Brink, Everard, De Villiers, Hull, Solomon, Loveday, Raitt, and Hosken.

Clause 2, as drafted, was then agreed to.

EVIDENCE ON OATH.

Mr. LOVEDAY moved an amendment to sub-clause 3 of clause 4, which says that the superintendent or inspector may take statements on oath at inquiries held by them. The amendment proposed was the substitution of the word " shall " for " may." He did not see why it should be left to the superintendent to say whether statements should be made on oath. It would be much better if all evidence were given on oath, because it might be necessary subsequently to review that evidence

The amendment was agreed to.

VERIFICATION OF RETURNS.

Mr. BOURKE moved the addition of a further sub-clause imposing on the superintendent and inspectors the duty of making inspections at regular intervals for the purpose of verifying the returns of the men employed under contract.

The ATTORNEY-GENERAL pointed out that provision was made for compelling the importer to keep a proper register of all labourers introduced by him, and of labourers transferred to him ; all desertions, and absentees from death or sickness : and he was obliged to send in returns compiled from his register every month to the superintendent. The register kept by an importer was open to inspection by the superintendent and inspectors, and the Ordinance further provided that these officials might ask the importer for any further information.

Mr. BOURKE said what he wanted was the returns to be verified.

The ATTORNEY-GENERAL said the superintendent had power to verify the returns without having an express provision in the Ordinance.

Sir P. FITZPATRICK said this was one of the details of administration which would be attended to by the Department. There was no necessity to put it in the law any more than there was necessity for putting into the regulations dealing with the matter the daily routine of the boiler and mine inspectors.

The amendment was withdrawn.

PROHIBITORY CLAUSE.

4.50. Mr. HULL proposed an additional clause be introduced. There was, he said, no provision under the Ordinance, as far as he could see, which prohibited the importation of labourers. He wanted to make it perfectly clear that no person should be imported into the Colony for the purpose of working under that Ordinance unless before he came into the Colony he should have entered into a contract in writing with his employer. In other words, he did not wish to have Asiatics coming into the country voluntarily. He proposed that the following clause should be introduced :—

> It shall not be lawful for any labourer to enter or reside or be introduced into this Colony unless he shall have previously entered into the contract referred to in Section 7 and until such contract has been registered in the office of the superintendent.

4.55. Sir P. FITZPATRICK said he would like tosuggest that the consideration of the amendment be postponed, in order that they might discuss the possibility of working under such conditions. It seemed to him to be an amalgamation of the treatment of civilised people and uncivilised people. They were drawing a law to deal with uncivilised, illiterate people who presumably would come in by thousands. How each one was going to sign a contract and have it registered in the office of the superintendent before they were allowed to come into the country was not quite clear to him. He understood the safeguards in the law were to be independent of such individual contracts, and that there would be power retained in the Government to deal with these people simply as imported unskilled labourers. Supposing they were drawing further supplies from Africa, anybody would stand appalled at a regulation providing that a native from Central Africa should sign a contract, and have it registered before the Commissioner for Native Affairs. These were difficulties that occurred to him and he put them forward in order that they might have a little time to consider them. He was also anxious to make the safeguards as effective as possible, but as the Attorney-General had stated, there was no use making safeguards that would make the law unworkable.

Mr. SOLOMON asked what the legal position would be.

The ATTORNEY-GENERAL said clause 5 would apply. Under a subsequent clause no person would obtain a licence from the Lieut-Governor until he had entered into a contract in writing, so he did not think Mr. Hull's amendment went any further than the provisions of the Ordinance. He did not think Mr. Hull meant that a contract should be made with every labourer ; they could make a contract with 5,000, and the contract was to be signed by making a mark. He intended to propose, afterwards, that the contract should be signed in the presence of some person who would explain the provisions of the contract.

Mr. SOLOMON : Where is this contract to be entered into and signed ?

The ATTORNEY-GENERAL : I think we must discuss where the contract is to entered into when we come to clause 7.

Sir P. FITZPATRICK said to import a provision into the Ordinance about signing the contract in China and having it registered in the Transvaal would make the Ordinance quite unworkable.

The ATTORNEY-GENERAL said the provisions of the Ordinance provided that the contract should be in writing, and signed by the labourers.

Mr. HULL said he did not quite understand Sir Percy Fitzpatrick. The whole spirit of the law was that there should be a contract in writing. He wanted it to be perfectly clear that the contract should be entered into where these people were indentured.

Sir P. FITZPATRICK : And registered in this Colony ?

Mr. HULL : And registered in this Colony.

Sir P. FITZPATRICK : That will take two months.

Mr. HULL said supposing they landed them in Durban or Delagoa, it would only take two or three days to sign the contract.

The ATTORNEY-GENERAL said he did not think Sir P. Fitzpatrick need be alarmed that it would take a long time to have the contract registered. He did not think it would take more than three or four days. He had no objection to the clause standing over for further consideration.

Sir P. FITZPATRICK asked if the Attorney-General was relying on the personal contract for carrying out the law, or was there nothing in the power of the Government to enable them to give terms to these labourers to enter the country.

The ATTORNEY-GENERAL : There is the Peace Preservation Ordinance.

Sir P. FITZPATRICK : Is there no second safeguard apart from the Ordinance ?

The ATTORNEY-GENERAL said the hon. member could propose an amendment to that effect, but the Ordinance as it stood was that persons introduced under the Ordinance were to be introduced under contract of service.

The consideration of the amendment was postponed.

INTRODUCTION OF LABOURERS.

Clause 5 provided that "no person shall introduce labourers into this Colony unless he has obtained a licence to do so from the Lieutenant-Governor under the next succeeding section," &c., and on the motion of the Attorney-General the words "nor contrary to the terms of such licence" were

introduced after the word "section." He explained that the licence would state the port through which the labourers would be introduced, and any person who imported through a port not mentioned in his licence would be subject to the provisions of the Ordinance.

The words "within the Witwatersrand District" were added to the sub-clause 1, section 6, which read: "The Lieutenant-Governor may, subject to the provisions of this Ordinance, grant a licence to any person to introduce labourers into this Colony to perform unskilled labour only in the exploitation of minerals."

THE MAXIMUM NUMBER.

Mr. DE VILLIERS said he would like to know the minimum and maximum numbers it was proposed to introduce. He understood from Sir George Farrar when the question was first introduced that there was to be a trial experiment so as to find out if these people would answer.

The ATTORNEY-GENERAL said it was not proposed to limit the number of labourers, but the hon. member could move an amendment on those lines.

Mr. DE VILLIERS: Well, then, I will ask Sir George Farrar.

Sir G. FARRAR said he could not tell the hon. member the number it would be necessary to import. When he asked the Government to bring in legislation he stated that importation would naturally be slow, because it meant a great expense. To bring in, say, 10,000 would practically cost £200,000. He stated that the mines would go very steadily with the experiment because they would not be prepared to sink a large amount of money in that class of labour except it was proved that the labour was satisfactory, and he said he thought it was possible they might import 10,000 labourers to ascertain whether the class of labour would suit the mines. He never specified a limit but he was quite certain a large number would not be imported until they had absolutely proved that the class of labour was a success.

Mr. LOVEDAY wished to point out that when they discussed Sir George Farrar's motion he mentioned a specific number of 10,000 as a trial shipment, and the public were under the impression that the Ordinance would limit the number to be imported.

The CHAIRMAN: I must point out a desultory conversation of this sort is hardly in order. If the hon. member will move an amendment then we can discuss the question.

THE PORT OF ENTRY.

5.10. The ATTORNEY GENERAL: While the hon. member is preparing his amendment, I may move an amendment to sub-clause 2. I move to delete sub-clause 2, and to substitute the following new sub-clauses.

(2) No such licence shall be granted until the Lieutenant-Governor is satisfied:

(*a*) That the Government of the Colony or State in which the port is situated through which such labourers may enter South Africa for the purpose of being conveyed to the Transvaal has made adequate provision (1) for the medical examination of such labourers on their arrival at such port; (2) for preventing the landing of labourers who after such medical examination are found to be insane or suffering from a contagious or infectious disease; (3) for the control of labourers while in transit to this Colony or from this Colony back to their country of origin; and (4) for the performance of such of the duties imposed on Emigration Officers in England by the Merchant Shipping Act, 1894, in respect of all ships leaving such port as aforesaid with labourers returning to their country of origin as the Lieutenant-Governor may think necessary.

(*b*) That suitable accommodation for the housing of such labourers on the premises on which they are to be employed will be ready on their arrival in this Colony.

(*c*) That proper security in terms of section nineteen has been given by the applicant for the return to his country of origin of every labourer introduced by him.

(3) On every such licence there shall be paid the sum of one hundred pounds and every licence shall state the port in South Africa through which such labourers shall be introduced.

He said the Transvaal had no port, and in order to introduce these labourers they would have to come through some South African port, and when their period of service was terminated they would have to send them through some other colony. If they had made no arrangement with some of the other colonies they would be landed in difficulties; they would have no control over the labourers on entering the port on their way to the Transvaal, and when they departed all they could do was to dump them over the border on to some other colony that did not want them, and that after they had promised to take all precautions to prevent a leakage of these labourers into the neighbouring colonies.

Mr. HULL: They have nothing to say to it.

The ATTORNEY-GENERAL said they would have to pass legislation providing for the medical examination of the labourers when they arrived. In the Merchant Shipping Act there were many provisions with regard to the powers of emigration officers, and he did not want them to take over all the provisions of the Act, but such provisions as the Lieut.-Governor might think fit.

5.20. Sir G. FARRAR said he quite agreed with the Attorney-General that some provision should be made with the Governor of a naval port. He was willing to accept the Attorney-General's amendment.

Mr. HULL said he had listened with interest to the statement made by the Attorney-General in moving the amendment. It seemed that the Government had now discovered that it would be necessary, in order to carry out the provisions of the Ordinance effectively, to make some sort of compact with one or other of the neighbouring colonies. Quite recently, when they debated the principles of the Ordinance, and when some unfortunate gentleman in a neighbouring colony expressed the opinion that these neighbouring colonies had a say, and a material say, in the matter, the Government and Sir P. Fitzpatrick and Sir G. Farrar scouted the idea. To-day the Attorney-General had to admit that they could do nothing at all till they had made some arrangement with the neighbouring colonies. He was not prepared to say whether the proposal was reasonable or not, and he thought that they might be given more time to consider the various amendments. He moved the postponement of the consideration of Clause 6.

5.23. The ATTORNEY-GENERAL said that his own amendments had been placed on the paper at as early a date as possible. The hon. member had said that the Government had indignantly repudiated the idea of any neighbouring colony expressing itself in regard to the importation of labour. He himself, however, had distinctly said that so far as he was concerned he had no objection to the Cape Colony or any other colony expressing its opinion on the subject. To say that the Government only now saw that some arrangement would have to be made with other colonies was not quite correct. The Government always saw that they had no port of their own, and the labourers would have to be introduced through some port. To keep effective control of the labourers they must make arrangements with the colony through whose port they came.

5.25. Sir P. FITZPATRICK said he thought the hon. member's fervour had carried him rather further than he meant to go. So far as he was concerned, he thought that it was appropriate that the other colonies should co-operate with them, and he had, in fact, named those colonies and invited them to co-operate with a view to seeing that the provisions of the Ordinance were well carried out. He might have thrown out the suggestion that Canada and Australia were not concerned.

5.28. The consideration of Clause 2 and the proposed new Clause 3 was postponed.

The ATTORNEY-GENERAL moved the deletion in Clause 7 of all words after the word "thereby," so that the clause should read :—

> "7. Every person obtaining a licence under the last preceding section to introduce labourers shall for such purpose enter into a contract in writing with such labourers, which contract shall be signed by the labourers to be bound thereby in the presence of some person who is familiar with their language, and who, before they sign the contract, shall explain to them the provisions thereof, as well as the provisions of this Ordinance mentioned in the schedule."

5.32. Sir G. FARRAR said it was a very important alteration, and they would like it to stand over till the next day, to enable them to consider it ; it raised the whole question of the form of contract.

The ATTORNEY-GENERAL said he had no objection to the postponement of the consideration of the clause. It was his desire, as it was that of everyone, that the Ordinance should be as complete as possible.

The postponement was agreed to.

The ATTORNEY-GENERAL moved the addition of the words "within the Witwatersrand district" to Section (*a*) of Clause 8, which read as follows :—"So long as the labourer remains in this Colony he shall be employed only on unskilled labour in the exploitation of minerals."

Mr. RAITT moved the addition to the foregoing of the words "and in particular shall only be employed as unskilled assistants in any kind of trades or occupations specified in the schedule of this Ordinance."

5.36. Sir P. FITZPATRICK said that as the labourers were being imported for the mines, it would be better to alter the phrasing of the amendment so that it would read "and in particular shall not be employed except as unskilled assistants in any of the trades and occupations specified in the schedule of the Ordinance."

The ATTORNEY-GENERAL suggested that the wording should be "and in particular shall not be employed in any of the trades and occupations specified in the schedule except as unskilled assistants."

Mr. RAITT accepted the alteration.

5.40. On the motion of the ATTORNEY-GENERAL, the following new sub-clause was added :—

> (*d*) That so long as the labourer remains in this Colony he shall be subject to the provisions of the Labour Importation Ordinance, 1904, and more especially to the provisions contained in sections twelve, thirteen, seventeen, twenty, twenty-four, and twenty-seven subsection (9) thereof which shall be set forth in a schedule to the contract.

5.43. Clause 8, as amended, was agreed to.

It was agreed in sub-section 2 Clause 9 to delete the words "including those prescribed in Section 8," and to insert "not complying with the requirements of Sections 7 and 8."

With this amendment, Clause 9 was then adopted.

TIME OF CONTRACT.

Sir P. FITZPATRICK wanted to know the object of limiting the contract with the labourers to three years. If the intention was that there should be no further importation, why was it not stated,

for it simply imposed the capital cost on the mines? If a labourer had complied with the terms of his indentures, and had done no harm, surely in every way it was better that he should be allowed to renew his contract, if he liked, than that there should be a new importation.

The ATTORNEY-GENERAL remarked that the provision which stood in the Ordinance had been suggested by the Chamber of Mines or a committee of that Chamber, and, after some discussion, submitted the insertion of the following words:—"But on the expiration thereof or any renewal thereof it may be renewed for any further period not exceeding 3 years." The contract was made first of all for 3 years. If during those 3 years a law was passed prohibiting the renewal of the contract, then the contract could not be renewed. But if no such law were made then it might be quite competent for the importer to renew the contract for another 3 years.

Mr. HULL: The point I want to guard against is this: I don't want the whole of the provisions against repatriation rendered futile by this amendment. At present I am rather shy of it. I don't see how we are to get them back again from this Colony. The whole of the provisions of the Ordinance go to this extent that, after the termination of their contracts, they shall be repatriated. Now, you propose that after the period of their contract is up you allow them to enter into a new contract. What happens at the end of that contract?

Sir P. FITZPATRICK: I think the provisions here stipulate that at the end of the period of contract or renewal thereof, they shall be repatriated. If the Legislature determines that there shall be no further renewal, then they go out.

Mr. BOURKE pointed out that under Clause 5 it was provided that the contract should be made in the country of origin. That would be nullified if a renewal were allowed in this country, and there would be no repatriation. He took it that was what happened in Natal.

The ATTORNEY-GENERAL: The difference in this country and Natal is this. In Natal there is no statutory provision that at the termination of the contract or renewal thereof the men shall be repatriated. That is provided in this Ordinance.

6.0. The Chairman left the chair, and the House adjourned.

"THE STAR," WEDNESDAY, JANUARY 27, 1904.

LEGISLATIVE COUNCIL, TUESDAY, JANUARY 26.

LABOUR IMPORTATION ORDINANCE.

COMMITTEE STAGE.

The Council went into Committee on clause 9 of the Labour Importation Ordinance, which determined the duration of the contracts under which the labourers were to be imported. The clause as drafted, was as follows:—

> No such contract as aforesaid shall be for a longer period than three years nor shall it be renewed for any period or periods which together with the first period thereof exceed five years; nor shall any such contract be registered at the office of the Superintendent which does not contain the conditions prescribed in the last preceding section nor until the bond mentioned in section 19 has been entered into and lodged with the Superintendent.

To this clause two amendments were moved by the ATTORNEY-GENERAL. The first proposed the deletion of the words following "longer period than three years," and the substitution of the words "but on the expiration thereof or any renewal thereof, it may be renewed for any further period not exceeding three years."

Mr. VAN RENSBURG said he had listened very carefully to what had been said with regard to the proposed amendment. When he voted for the introduction of the unskilled coloured labour he was fully determined that the restrictions under which they were imported should be made as strict as possible, and because of that determination he thought they ought to be very careful how they permitted these renewals. They had learnt from Sir G. Farrar that these importations would be very expensive. According to Sir G. Farrar, 10,000 labourers would cost £200,000, and, therefore, if the labourer proved successful he did not see why they should not permit the contracts to be renewed for another three or four or five years, but they must take care that on renewing them they did not break the original restrictions. It would naturally cost the mining industry an immense amount of money if at the end of three years they had to repatriate the labourers and import fresh men; and therefore, contracts should be renewable, but they should be subject to all the original restrictions.

The ATTORNEY-GENERAL said he quite agreed that if the contracts were renewed the renewals should not interfere with or do away with the provisions of the Ordinance. It seemed to him that Clause 8, sub-section c, should satisfy Mr. Van Rensburg. The sub-section said that on the determination by effluxion of time or otherwise of the contract, or a renewal thereof, the labourer should be returned without delay at the expense of the importer to his country of origin. However, he would readily consider any provision which the hon. member might like to suggest which would strengthen that. He was as anxious as anyone to make it perfectly clear that if a contract were renewed the labourer should be subject to the same provisions with regard to repatriation as he was before.

Mr. DE VILLIERS said he would vote for the amendment if he were assured that in any renewal of contract which took place the original contract would still remain in force, and the repatriation take place.

The ATTORNEY-GENERAL said he could easily meet the hon. member by inserting after the words "may be renewed" the words, "on the same terms and conditions as those fixed in the original contract."

Mr. RAITT: Is this proposed renewal of contract to be capable of further renewal? That is to say, the labourer may go on renewing and again renewing his contract until further orders.

The ATTORNEY-GENERAL: That is how the clause stands.

Mr. RAITT said then he was absolutely opposed to it, as it was a violation of one of the best principles in the Ordinance. Those who were opposed to the importation of these labourers had been of opinion that this clause, as originally drafted, was one of the best safeguards which they had. They believed that if this original clause was firmly carried out as dafted it would be impossible for these imported labourers to be a serious menace to the welfare of the white inhabitants of the Colony. There was an absolute limit to any period of the renewal of the contract. In the proposed amendment there was to be no limit whatever, and any labourer who liked could go on renewing his contract until further orders, and until the limit of his natural life. It could not be said by the mine owners that a labourer who renewed his contract was more valuable as a labourer at the end than at the beginning of his period, if he were kept to unskilled labour. It was a very dull Kaffir who could not learn all there was to know about the labour he was called upon to perform in a month; and it was well known that the labour proposed to be imported was more intelligent than the Kaffir. They could not be more valuable as unskilled labourers at the end of five years than they were at the end of a month, or three months at the outside. The danger of the position was that if these men stayed here for five years they would attain a skill which would enable them to compete with the skilled white workers. The mines would have in hand a staff of what were originally unskilled workers who would be able to supplant the skilled white workers at any moment; and the consequence would be that if any trouble arose between the white workers and their employers, the former would be dismissed and the mine owners would go to the Government and say they could not work the mines and get permission to supply their places with the unskilled coloured labourers. Such a contingency was easily possible if this clause was amended as proposed. Another thing which must not be forgotten was that if they permitted the importation of these labourers' families they would in the future be face to face with serious complications; and if they kept the labourers here tor long periods and did not permit the introduction of their wives and families very grave moral and physical evils might be the consequence. It must be evident to hon. members that if the labourer was to remain in the country for a longer period than four years, it could only be on condition that his family was brought there too; and, in that event, where were they going to end? He opposed the amendment.

2.35. Mr. HULL said he had remarked the previous day that he did not like the amendment, and to-day, especially after hearing Mr. Raitt, he was convinced that there was a very dangerous principle in it. It was recognised on all hands that one of the principle objects of the Ordinance was that Asiatics should be introduced to this country on the express condition that at some time or other they should be sent out of it, and he hoped that no member would vote for it until such a principle was made part and parcel of the law. If the amendment was accepted—the idea being that the Asiatic would be able to re-contract himself over and over again—it would mean that the labourers would come here and say: "We are prepared to stay here all our lives, so long as we are willing to renew, and our employers are willing to renew," and they would be never able to turn them out. It was a very dangerous principle, and was subversive to the other principle that there should be repatriation some time.

2.38. Sir P. FITZPATRICK said that the hon. member who had just spoken appeared to have skipped a few of the difficulties in the way of realising the ample prospect that was held up, and not the least was that it was within the power of that Council or its successor to decide at any time that no further importation should be allowed. Mr. Raitt did not seem to see that the choice lay between renewal of contracts of labourers who had proved to be efficient, amenable to the law, and complying with that law, and, on the other hand, importing fresh labour. There was nothing in the Ordinance to prevent them importing fresh labour, and the difficulties were not solved by refusing renewal. Mr. Raitt said that the men would become so skilled that they would take the places of white men, but how could they if the amendment was passed and the labour debarred from the trades in the list. If they could not exercise certain callings how could they become skilled? Even the hon. member Mr. Raitt could not become skilled in an occupation without having practice. He also wished to take exception to what Mr. Raitt had stated as to the most stupid kafirs becoming as skilled as he could be in six weeks. That might be true of the most stupid, because such a kafir could never become any more skilled. But if Mr. Raitt had more experience of kafirs he would know that they became much better workmen at the end of five years in the department in which they were allowed to work. The repatriation referred to by Mr. Hull was a consideration designed as against release. Repatriation in itself was not necessarily desirable, but he thought that if they were to have unskilled labour as a factor in the success of South Africa it would have to be black or yellow, and he did not see that the yellow was less desirable than the black. If they were not desirable, they could fix a time for repatriation; if on the other hand, the labourers complied with the conditions of the Ordinance and of the contracts, he did not see why they should not renew their contract instead of being repatriated.

2.45. Mr. SOLOMON said they all agreed that the men must be of some service to the country. It was a mistake to think or to wish that the labourers should be repatriated and no renewal allowed. The question raised, to his mind, was whether vested interests might not be created, supposing the contract was signed in China, and the Chinaman could say, "You give me the right to renew my engagement from time to time." He thought that vested interests would result if no time limit was fixed.

2.46. Sir P. FITZPATRICK said he would like to correct a wrong impression. He wanted the limit to be in the law, not in the contract, and never proposed that the Chinamen should have the opportunity of renewal,

Mr. VAN RENSBURG said that what he had stated was that it would be desirable to have a limit.

Mr. SOLOMON thought that before Asiatics were imported into this Colony they should know perfectly well the nature of the clauses in the Ordinance. In this clause they were taking to themselves the right of renewing, and that would have to be explained to them. He thought it would be advisable to limit the period of renewal to three years.

2.48. The ATTORNEY-GENERAL said that the Ordinance would not create vested interests. The renewal required two parties, just as did the contract, and both parties must agree. So far as he could see, if the law worked well, he could find no harm in renewal of the contracts. It could be modified if it worked unsatisfactorily or even repealed. Mr. Raitt said he did not like it because the unskilled labourer would become skilled, but what did it matter if he did become skilled? He might be here ten years, and yet he could not be engaged in certain trades and occupations. He admitted that there was a great deal in what Mr. Hull and Mr. Raitt had said, and he would agree to the contract being for three years, with the right of renewal for another three. If the law was well administered, he thought no difficulty would arise, and if it did the law could be altered.

2.50. Sir P. FITZPATRICK said he had no objection—he was not trying to make the Chinese a permanent element in this country—(hear, hear)—because he did not want them. His sole idea was that if the conditions were satisfactory they might be allowed to have an old and satisfactory labourer instead of an inexperienced new one. He thought that the object of Mr. Raitt's amendment was to penalise them, and force them to import new labourers at great cost in the place of old ones who would cost them nothing more.

Sir G. FARRAR said he was perfectly willing to accept the Attorney-General's suggestion. He would like to refer to Mr. Raitt's continued insinuations as to the work these imported labourers were to be employed on. They were in that House honestly to pass that law—(hear, hear)—and in the future to honestly see that it was carried out. He must protest against Mr. Raitt's continual insinuations, which he made every time he got up from his seat against the people who promoted that law.

The ATTORNEY-GENERAL altered his amendment so that the following words would ensue after the words "three years":—"But on the expiration thereof it may be renewed on the same terms and conditions as those stated in the original contract for a further period not exceeding three years."
This amendment was agreed to.

2.53. Sir G. FARRAR moved an amendment to Clause 10. The clause read as follows:—

> Any importer may with the sanction of the Lieutenant-Governor and under the regulations made by him assign by deed his rights under any contract with any labourer to any other person who has obtained a licence to import labourers under this Ordinance and has given the security mentioned in section nineteen hereof; and thereupon such labourer and such other person shall be bound by all the terms of such contract as fully as if such other person had been a party thereto originally; provided that no such assignment shall be valid until the superintendent is satisfied that the labourer has given his consent thereto. Notice of every such assignment shall be given to the superintendent and a certified copy of the deed of assignment shall be registered at his office.

The amendment was to omit the words from "provided that" to the end of the clause, and insert instead thereof:—

> Provided that the superintendent is satisfied on such evidence as he may require that no consideration or value has passed or been promised for such transfer beyond the repayment by the transferee of the expenses incurred by the transferor in respect of the introduction of such labourer; and provided further that notice of every such transfer shall be given to the superintendent and a certified copy of the instrument of transfer shall be registered at his office.

In moving his amendment, Sir G. FARRAR said he thought it reasonable, as otherwise the law would not be workable. These labourers would be recruited in China by an agent representing the majority of the mines on the Witwatersrand, and it would be impossible at that time to decide and say to which mines the men would be allocated. It would only be possible to say that on their arrival at the port of disembarkment. The new clause he proposed was taken from the Natal law, and he thought it was a reasonable request.

2.57. The ATTORNEY-GENERAL said that if the clause went through it must be made clear in the contract that the men could only be transferred by the persons introducing them to some other person holding a license. They ought to take great care that these labourers should not be imported without knowing the full conditions under which they were to be introduced; they must know all the disabilities and all the conditions of the contract. When one of the clauses came up for consideration he moved an amendment to the effect that the labourers should have the provisions of the contract explained to them, and when it came to be considered at a later stage he would probably further amend that section by providing that when the contract was entered into it should be in the presence of some person prescribed in the regulations. That person would certify that he had read over the provisions of the contract and of the Ordinance, and that the labourers voluntarily signed the contract That certificate would be conclusive, so as to avoid disputes arising in this country. Unless some provision of this kind was made, they would have to meet some trouble, which, by

provisions of the kind indicated, might be avoided. As to Sir G. Farrar's amendment, if it was made clear in the contract he had no objection. It should be made clear that a person could not transfer a labourer for pecuniary gain. There must be no traffic in the labourers. It would be made an offence for a person to give or receive money for the transference of labourers, and such a person would be liable to very heavy penalties. No harm, he thought, would be done by the adoption of the amendment.

3.0. SIR P. FITZPATRICK said he would offer a word of explanation to Mr. Hull about what he said yesterday regarding contracts being signed in China. The amendment was formulated with the view of acceptance of his suggestion, for they recognised it was desirable that the contract should be made and fully understood in China. Their difficulty was that they either had to have these contracts made by an agent of each company, which was an impossible thing, or by some person who would have the power of transfer. It was quite clear that the companies could not have an agent authorised to engage so many labourers for a particular company, and the solution they suggested was that there should be power of transfer. It was the simplest solution, and they obtained the object of having the contracts made in China before the labourers started.

The amendment was carried without further discussion.

TRAFFICKING IN LABOURERS PROHIBITED.

3.5. The ATTORNEY-GENERAL moved that the following new Clause 11 should be inserted :—

> No importer or other person except in pursuance of a transfer duly registered shall remove a labourer from the place where he is employed without the written permission of the superintendent nor employ such labourer elsewhere than on such place without like permission. Any person contravening this section shall be liable to a penalty not exceeding ten pounds for every labourer so removed or employed.

The clause was carried without discussion.

HEALTH OF THE LABOURERS.

The next clause dealt with the returns to be furnished by the importer to the superintendent on the registration of contract.

3.10. Mr. LOVEDAY asked whether the certificate of health was to be issued before the labourer left China or after his arrival.

The ATTORNEY-GENERAL said he moved an amendment yesterday to sub-clause 2 of Clause 6, which made provision for making arrangements with the Colony or State in which the port was situate through which the labourers would enter for having the labourers on landing properly examined by a medical officer, and for the return of those who were pronounced to be insane or suffering from infectious disease, so that every labourer when he arrived in the Transvaal would have a medical certificate.

Mr. LOVEDAY said the question was whether they should not be medically examined before they left China in the interest of the person who employed them.

Sir P. FITZPATRICK : I think you might leave that with us.

The clause was carried without amendment.

THE MARRIAGE OF CHINESE.

The next clause contained provisions prohibiting labourers from trading or acquiring leases of holding land.

3 15. Mr. HULL moved that the clause be deleted, and that the following be substituted :—

> No liquor, mining, marriage, general dealer's, importer's, hawker's, trading or other licence whatever shall be granted to any labourer, or to any person on behalf of or as agent or trustee for any labourer ; nor shall it be lawful for any labourer to acquire, lease, or hold either directly or indirectly any house, land, building, or fixed property, or any mynpach claim, stand, or any right whatever to minerals or precious stones, either in his own name or in the name of any person on behalf of or as agent or trustee for him.

He said the material difference between his amendment and the clause as it stood was that he proposed to prohibit these labourers from marrying in this country. He did not suppose there would be any serious objection to it, but he might as well explain that under the provisions of the Ordinance the labourer was practically compounded ; he was compelled to reside on the premises of the mine, he could not get away but for a short period, and he should confess he did not see what opportunity he had of marrying, and he did not know whom he was going to marry. They did not want them to marry their white women, and they did not want them to marry kaffirs, and he thought there should be absolute prohibition.

The ATTORNEY-GENERAL said he would accept the amendment if the word " marriage " was taken out. If one of these labourers wanted to marry and he could not get a licence he would marry without a certificate, and he would not go through the ceremony. He did not want to put it more clearly than that.

Sir G. FARRAR and Mr. BOURKE said they would support the amendment if the word " marriage " was taken out.

The clause, as then amended, was put to the Committee, and was adopted as framed by Mr. Hull, with the exception that the word "marriage" was struck out.

Clause 13 provided that passports should be issued to every labourer.

3.20. The ATTORNEY-GENERAL moved that the following be added to the first clause: "Any importer contravening this section shall be liable on conviction to a penalty not exceeding £50, an in default of payment to imprisonment not exceeding six months."

The amendment was adopted.

Sir G. FARRAR moved that the amounts to be paid for the passport and for renewal should be changed from £2 to 24*s*. He thought it was a reasonable alteration, because 24*s*. was the amount of pass fees, and in view of the very great cost of importing those immigrants he thought a fee of 24*s*. would be sufficient.

Clause 14 provided that a register should be kept by the importer, and in addition to the entries provided for it was, on the motion of the Attorney-General, decided to include transfers and unlawful absence from work.

3.25. Mr. LOVEDAY said the return was to be made monthly, and he thought in cases of death and desertion immediate notice should be given.

The ATTORNEY-GENERAL said that, as far as desertions were concerned, there was an amendment on the paper in his name that notice of desertion should be given forthwith, and that in case of death a medical certificate should be forwarded to the superintendent as to the cause of death.

Sir P. FITZPATRICK: I may point out that it is the regular practice in connection with native labour. It is no innovation whatsoever; we do it in the ordinary course.

DR. TURNER moved an amendment that cases of sickness should be reported, but this was lost.

3.27. The ATTORNEY-GENERAL then moved that the following be added to clause 13: "In the case of the death of a labourer a medical certificate shall be forthwith forwarded to the superintendent as to the cause of death." This was adopted.

MR. HULL, on clause 14, moved to add the words, "Such register shall contain such other particulars as may from time to time be prescribed by the regulations."

PERMITS.

On clause 17, providing that—

> No labourer introduced under this Ordinance shall leave the premises on which he is employed without a permit signed by some person authorised thereto by the importer; provided that no such permit shall authorise the absence of such labourer from such premises for more than forty-eight hours from the time when it was issued.
>
> The said permit shall bear the date on which and the period for which it was issued, and also the name of the labourer to whom it was issued with his registered number.
>
> Every person contravening the provisions of this section shall be liable on conviction to a fine not exceeding ten pounds, and in default of payment to imprisonment not exceeding one month.

The ATTORNEY-GENERAL moved to insert in the third line, after the word "permit," the words, "in the form prescribed by regulations."

Mr. SOLOMON said he thought that 48 hours, mentioned in line 7, was too long, and he would suggest that 12 hours be inserted therefor. He thought that was quite sufficient time for an Asiatic to be away from his mine. (Laughter.)

Mr. LOVEDAY: Then this regulation means that they shall not be confined to a certain area, but shall be allowed to wander about the populated parts of the country.

The ATTORNEY-GENERAL: Yes, with a permit. I wish to insert the words, "Shall not authorise the labourer to go outside the Witwatersrand district."

Sir G. FARRAR: I think 48 hours is reasonable. A labourer on the East Rand might want to go to see his brother on the West Rand. If the system is abused it is easy to remedy it.

Sir F. FITZPATRICK said the case might be met by giving different coloured tickets for 12 hours or 24 hours, as the case might be. Twelve hours were quite enough for ordinary purposes, but they might not be enough if the labourers had been working on different shifts.

The ATTORNEY-GENERAL: Forty-eight hours is the maximum time.

Sir P. FITZPATRICK: Who is to have the discretion?

The ATTORNEY-GENERAL: The importer.

The amendment moved by the Attorney-General to insert at the end of paragraph 2 the words, "and shall not authorise the labourer to go outside the Witwatersrand district," was then agreed to.

Mr. SOLOMON withdrew his amendment.

Mr. RAITT moved the amendment of which he had given notice—namely, after the word "issued," to insert the words: "Nor shall such permit authorise any labourer to enter or pass through

such populated portions of any municipal area as shall be defined by the Lieut.-Governor." It was not with the intention of prohibiting a legitimate trading with the labourers that he moved the amendment, but with a view to keeping them out of the more densely populated part of the towns. If they were allowed free access to the towns it would facilitate desertions among them.

The ATTORNEY-GENERAL : My hon. friend thinks that there will be about 10,000 permits issued in one day, and that 10,000 Chinaman will wander through the streets of Johannesburg. That will not be so. If there should be any abuse of the Ordinance like that, it can be remedied by the regulations to be left to the Lieut.-Governor.

The amendment was lost.

On the motion of Mr. HULL, it was agreed to add, in line 9, after the word "date," the words "and hour."

Mr. BOURKE suggested to insert after the word "number," in the second paragraph, the words, "and such other particulars as may from time to time be prescribed by regulation."

The ATTORNEY-GENERAL said the hon. members purpose would be served if the first paragraph were to read "No labourer shall leave the premises on which he is employed without a permit containing particulars prescribed by law."

Mr. BOURKE agreed, and the amendment was agreed to.

On Clause 18, providing that the production of a passport and permit may be demanded from any person suspected to be a labourer by members of Town Police or South African Constabulary.

Mr. RAITT asked what provision was made or intended to be made with regard to those people of the same nationality as the imported labourers, and who were settled in the country already ? How were the police to know who was an introduced labourer or one of the Chinese settled in the country ? Was there any provision whereby those who were here could be known from those to be imported ?

The ATTORNEY-GENERAL replied there was no provision under the draft Ordinance, but under the Peace Preservation Ordinance and Law 3 of 1885 the police could demand of any Asiatic his permit, and if he could not produce such permit then he was not here lawfully.

Mr. BOURKE suggested that it would be no hardship if it was included in the Ordinance that the labourers should be confined to their national dress. The Chinamen and Asiatics at present in the country had generally adopted European dress, and he thought it would be a good thing if those to be introduced should have to wear their national dress.

Sir P. FITZPATRICK : Pig-tails ?

Mr. BOURKE : And pigtail too, if you like. (Laughter.)

On the motion of the ATTORNEY-GENERAL the words "to be dealt with according to law" were deleted, and the words "on conviction he shall be liable to the penalties provided in the last preceding section."

With this amendment Clause 18 was agreed to.

THE IMPORTERS' BOND.

REPATRIATION OF FAMILIES.

Mr. RAITT moved an amendment to Clause 19 which prescribes the bond to be entered into by the importer for the return of labourers to their country of origin. Mr. Raitt moved to insert the words "and their families" in the clause, making it incumbent upon the importer to enter into a bond to return the labourers and their families to their country of origin.

The ATTORNEY-GENERAL pointed out that Clause 25 empowered the Lieutenant-Governor to make regulations for certain purposes, one of which was the introduction, repatriation, and control of the families of labourers. Surely under that clause the Lieutenant-Governor could make a regulation to the effect that the importer should enter into a bond to repatriate the families.

Mr. LOVEDAY said this law only provided for the repatriation of the labourer who was to be a male adult, and he did not see how the Lieutenant-Governor was going to make regulations for families unless the law gave him power to repatriate the families.

The ATTORNEY-GENERAL : It does give him that power.

Mr. LOVEDAY : As long as we are assured that that is going to take place I am satisfied.

The amendment was lost.

SURETIES UNDER THE BOND.

Sir G. FARRAR moved a further amendment to clause 19, to omit the words "enter into a bond with two sufficient sureties in the form in the schedule hereto annexed," and substitute the words "give security to the satisfaction of the superintendent in manner prescribed by regulation."

Mr. HULL said he preferred the clause as drafted. This bond was going to be a very important document ; it was intended to secure a very large sum of money ; and he thought it was important that the form of the bond should be prescribed.

Sir P. FITZPATRICK said that there was a very simple reason for objecting to the two sureties. In most cases, in almost every case, the employer of the imported labourer would be a company, and the sureties would be rather difficult to find, because they had to get either directors or individual shareholders to assume nominally a large liability for the benefit of a company ; or they must get a neighbouring company to assume the liability. The trust deeds of these companies would in many cases present an insuperable difficulty and they would not stand surety for each other. And, after all, it was really quite unnecessary, because the amount at stake was more than ample cover—the value of the company's property was many times over sufficient cover without the sureties, always assuming that the superintendent would not issue permits to import to straw companies. For instance, it was to be presumed that the superintendent would take care to be assured that the company had a mine before issuing a permit. If the company had a mine its property would be security for the cost of repatriation.

Mr. HULL said his objection to the alteration was not so much on account of the sureties, but because he thought it was desirable that the form of bond should be prescribed. He did not want the superintendent to take one form of bond from one company and one from another. He wanted the form of bond absolutely prescribed by the law.

Sir P. FITZPATRICK agreed with Mr. Hull that there should be a uniform bond.

After further discussion, the ATTORNEY-GENERAL moved that the words "with two sufficient sureties" should be omitted ; and that the following words should be added at the end of the clause :—"The said bond shall be secured in such manner as the superintendent may require."

Sir G. FARRAR withdrew his amendment in favour of the Attorney-General's, and the clause as thus amended was agreed to.

RECALCITRANT LABOURERS.

REFUSING TO RETURN.

On Clause 23 MR. RAITT pointed out that if any labourer thought fit to refuse to go back to his country of origin he might be imprisoned ; and at the end of his term of imprisonment, if he still refused he might be imprisoned again. That seemed to him to be quite unnecessary. It seemed ridiculous to put the country to the trouble and expense of keeping these men in prison when the difficulty could be dealt with in simpler fashion by empowering the superintendent to repatriate them. He, therefore, proposed to add to Clause 23, the words ; "And in the event of any labourer refusing to so return the superintendent be empowered to take the necessary steps to enforce such return.

The ATTORNEY-GENERAL said that there was no provision made for forcible deportation, but under the amendment which he moved to Clause 6, no labourer could be imported into this Colony except through a port in South Africa, after the Lieutenant-Governor had made arrangements with the Government of the Colony owning the port for the transmission and control of those labourers *en route*. Under these arrangements there ought to be no difficulty in deporting. He thought, however, that the man who refused to return should be subjected to a penalty.

Mr. LOVEDAY : Fine him.

The ATTORNEY-GENERAL said if a labourer were called upon to return and he refused, he ought to be brought up and convicted, and made liable to a penalty ; and then afterwards, if he still refused, forcibly repatriated.

Sir P. FITZPATRICK quite agreed that there should be some penalty. The man would probably have an accumulation of wages in his possession, and would be able to pay the fine, and afterwards he might return home voluntarily.

The ATTORNEY-GENERAL suggested that Mr. Raitt should defer his amendment until the Committee dealt with the sub-sections of Clause 24.

This was agreed to.

Sir G. FARRAR moved the addition of the following words to Clause 23 :—"Provided that where any labourer is ordered to be returned to his country of origin on account of any offence committed by him, the importer shall be entitled to deduct the cost of so returning him from any wages then due to him." He thought that was only fair and reasonable.

4.50. Sir G. FARRAR'S amendment was agreed to, and Clause 23, as amended, was passed.

On the motion of the ATTORNEY-GENERAL, the consideration of Clause 24 was postponed.

4.52. Mr. RAITT moved the deletion of sub-section 5 of Clause 25, which provided "for the introduction, repatriation, and control of the families of labourers." He said that the introduction of labourers' families would be a serious danger, and would lead to unavoidable complications. It would be better not to allow them to come here.

Mr. HULL said he quite agreed to the amendment proposed by Mr. Raitt. If it was intended to bring the families here they must either be brought in under the provisions of the Ordinance—under the same stringent provision of repatriation—or they must not be imported at all. He would like to know from his hon. friends in front whether they intended to be responsible for the repatriation of families of labourers.

The ATTORNEY-GENERAL said the regulations would make the importers responsible for the repatriation of the families.

Sir G. FARRAR said they certainly expected that the families would be brought in, and they certainly accepted the responsibility of repatriating them. If that section of the clause was struck out, they could put the whole Ordinance on one side.

Mr. HULL said that, with all respect to the Attorney-General, he would point out that clause 19 only dealt with securities for repatriating the labourers; they should lay it down that the families would be repatriated as well. He understood that the mines would be responsible for this, but he contended that the families should only come in under indentures, under the supervision of the superintendent, and under adequate security for their repatriation.

The ATTORNEY-GENERAL said that could be done in the regulations.

Sir P. FITZPATRICK said there was no idea of having any exceptions of any sort in favour of Chinese families or labourers to enable them to avoid the provisions of the law. It was not clear how anyone could say that the families should be treated in the same way as the labourers, as they were not coming to work on the mines, and were not being paid. But they would be subject to regulations on the same principle as those regulating the labourers. The difficulty could be met by introducing a few words into the clause. There was, of course, the difficulty of the difference between the labourers and their families. They should be deported alike—there was no question about that. And the responsibility of the importer also went without saying.

Mr. LOVEDAY asked if the families would go about with or without permits all over the country. It was a question of great importance.

The ATTORNEY-GENERAL: The Lieutenant-Governor will make proper regulations for that.

Mr. LOVEDAY asked if the families would be subject to the same restrictions as those imposed on the labourers.

Mr. RAITT: Supposing children are born here—they would be British subjects?

The ATTORNEY-GENERAL: Yes.

Mr. RAITT: Then how could you repatriate them?

The ATTORNEY-GENERAL: We might repatriate under the Peace Preservation Ordinance.

Mr. SOLOMON said that a child of six years would not be likely to stay behind if its parents were returned to their country of origin.

The ATTORNEY-GENERAL said it must be obvious that one could not apply the same provisions to the women and children as to the labourers. The Lieutenant-Governor would have to carefully consider the method of controlling the families and make regulations accordingly. He quite agreed that they should be repatriated at the expiration of their contract. He would suggest, as an amendment, that after the word "introduction" in Section 5 the words should be added "and for their repatriation under similar security to that provided for under Section 19."

Mr. HULL said the amendment proposed by the Attorney-General did not meet the difficulty he had in his mind. The regulations were entirely optional. The Lieutenant-Governor might or might not make regulations. He wanted it to be made clear that if the people came here they must be repatriated under the same conditions as the labourers. He thought a fresh clause should be drafted.

The ATTORNEY-GENERAL said he had no objection, and would withdraw his amendment. He thought it would be best if the consideration of the section was postponed, and he would give an undertaking to introduce a provision for the repatriation of labourers' families.

5.10. Mr. RAITT said he would prefer the clause deleted altogether.

The ATTORNEY-GENERAL said he hoped Mr. Raitt would not press his amendment. If the labourers came for three years, and did not bring their families with them, worse results would follow than if they did bring them.

Mr. RAITT: We can't repatriate British subjects.

The ATTORNEY-GENERAL: Certainly we can under the law. You would hardly expect us to repatriate the mother and leave the child here.

Mr. RAITT: Supposing it was an orphan? (Laughter.)

The ATTORNEY-GENERAL said that in Natal the Indians, on attaining their majority, could either be indentured or take out a pass or be repatriated.

Mr. RAITT: But they are allowed to attain their majority there?

The ATTORNEY-GENERAL: I do not say we will adopt this provision.

5.15. Sub-section 5 was agreed to, Mr. Raitt's amendment being lost.

Mr. BOURKE moved the inclusion of a new sub-section "enforcing the wearing of uniform clothing, to be worn by the labourers when away from the premises where they are employed."

5.18. Sir P. FITZPATRICK said there was something to be said in the way of the hon. member's proposal, but he would like to point out that in the preamble it said that the Lieutenant-Governor might make regulations. In clause 2 it stated that he might make regulations for identification of labourers, and Clause 9 gave power to make regulations for proper housing and clothing." They

must also remember that they did not know where the labourers would come from—they might be from several places, and one could not say what clothing should be used.

Mr. LOVEDAY said that a more simple way would be to include a sub-section laying it down that the labourers should wear their pigtails outside their coats, so that they could be identified at once wherever they went.

Mr. BOURKE said his idea was to prevent desertion from the mines, to facilitate identification, and assist the police.

The ATTORNEY-GENERAL said that if a man intended to desert he would not be particular about breaking a regulation as to his clothing.

Mr. BOURKE said that if the labourer was obliged to wear a distinctive dress he could be immediately dealt with.

The amendment proposed by Mr. Bourke was lost.

Clause 25 was then put and carried, and clause 26, which provided for penalties for breaches of regulations, was carried without discussion.

Clause 27, providing for offences against the Ordinance, was next to be considered, but Mr. HULL moved that consideration be postponed until the committee had dealt with the other clauses, the consideration of which were postponed. Some of these clauses involved the imposition of penalties.

Consideration was postponed.

Clause 28, which provided that certain laws should not apply, was carried.

BRITISH INDIANS.

5.25. Regarding clause 29, which provided for the introduction of British Indians for employment on railways, Mr. HULL asked, was there any necessity to have the clause in the Ordinance at all? The Ordinance dealt only with labourers to be employed on the mines in the Witwatersrand district, and if clause 29 were omitted it would still be in the power of the Lieutenant-Governor to import labourers for employment on the railways.

The ATTORNEY-GENERAL said that one of the first clauses of the Ordinance said that "no labourer shall be imported into this country except under the provisions of this Ordinance," and he could only be brought as an unskilled labourer to work on the mines. Any such arrangement would come before the Council for approval, and the labourers would be subject to the same provisions of repatriation as applied to that Ordinance.

The clause was carried.

The last clause (30), naming the title of the Ordinance, was carried.

RECONSIDERATION OF CLAUSES.

The CHAIRMAN said that clauses 1, 5, 6, 7, and 27, stood over for consideration. Clause 1 stood over for consideration of the definition of the Witwatersrand district. It was proposed that the Witwatersrand district should be the area over which the Witwatersrand High Court had jurisdiction.

The ACTING COMMISSIONER OF MINES said he had plans in his office with the area marked out over which the High Court had jurisdiction, and also another area which he considered would be more suitable. He suggested that the members interested in the matter should inspect the plans after the adjournment.

Sir G. FARRAR said he had looked at the plans. He thought the area covered by the jurisdiction of the High Court would hardly be sufficient, and it might be amended to include certain deep level companies.

The ATTORNEY-GENERAL: Of course, until this district is carefully defined the Ordinance cannot go through. The Witwatersrand district will mean the magisterial district, which is practically the same area over which the High Court has jurisdiction, and if that area is to be varied there should be a clear and distinct definition of the boundaries in the Ordinance.

5.30. Sir P. FITZPATRICK suggested that they should accept the High Court area, with the proviso that it should be amended from time to time as the Lieut.-Governor might decide, for the purpose of including those mines which were in the immediate neighbourhood of the present area.

Mr. LOVEDAY said as the Chinaman was going to have free access over the area, they should define the area.

The ACTING COMMISSIONER of MINES said the only objection he had to the magisterial area was that it included a great deal of ground not held by the mines.

The ATTORNEY GENERAL said they could get over clause 1 by providing "that the Witwatersrand area shall include the area defined in the schedule to this Ordinance." He threw out the suggestion that throughout the Ordinance it should be called "the Witwatersrand area" instead of "district." He objected to the different definition of the Witwatersrand district.

The suggestion made by the Attorney-General was adopted, and the clause was passed.

A NEW CLAUSE

5.35. MR. HULL moved the following new clause, to be clause 5 :

It shall not be lawful for any labourer to enter, be, or reside, or be introduced into the Colony unless he shall previously have entered into the contract referred to in section 8, and until such contract has been registered in the office of the Superintendent.

THE ATTORNEY-GENERAL said he was prepared to accept the clause, and the motion was agreed to.

ADDITIONS TO CLAUSE 6.

The ATTORNEY-GENERAL on clause 6, moved : To delete sub-clause (2) and to substitute the following new sub-clauses (2) and (3) :

(2) No such licence shall be granted until the Lieut.-Governor is satisfied : (a) that the Government of the Colony or State in which the port is situated through which such labourers will enter South Africa for the purpose of being conveyed to the Transvaal has made adequate provision (1) for the medical examination of such labourers on their arrival at such port ; (2) for preventing the landing of labourers who, after such medical examination, are found to be insane or suffering from a contagious or infectious disease ; (3) for the control of labourers while in transit to this Colony or from this Colony back to their country of origin.

(b) That suitable accommodation for the housing of such labourers on the premises on which they are to be employed will be ready on their arrival in this Colony ;

(c) That proper security in terms of section 19 has been given by the applicant.

(3) On every such licence there shall be paid the sum of one hundred pounds, and every such licence shall state the port in South Africa through which such labourers shall be introduced.

Sub-section 2 was agreed to.

With regard to sub-section 3, Mr. HULL moved to delete the words : "On every such licence there shall be paid the sum of one hundred pounds." It was not the intention of either the Government or anybody to make money out of the mining companies with regard to the licences. So long as the Lieut.-Governor took the proper precautions—that was all they wanted.

6.0. The CHAIRMAN : I wish to avail myself of rule 51 this evening, and to ask that Dr. Ward take the chair in my absence.

The Committee then rose.

THE EVENING SITTING.

The Council resumed in Committee on the Labour Importation Ordinance. Clause 6, sub-clause 3, was first under consideration.

THE LICENCE FEE.

Mr. HULL pressed his amendment abolishing the licence fee of £100 imposed by the sub-section on importers.

The ATTORNEY-GENERAL pointed out that if this licence fee were not insisted on there was a danger that some individuals would import small numbers of labourers—five or six. One reason for the imposition of the fee was to prevent persons applying for the importation of three or four men. If the licence was to be done away with, some minimum number of labourers to be imported by each employer should be fixed. He understood that the association was going to import all these labourers, and therefore it was argued that it was hardly worth while levying only £100. But he would like to point out that while one association might import the labourers in bulk, every individual or company to whom the labourers were transferred would have to pay the licence fee. There were some 60 or 70 companies who would employ the labourers, and they would all have to pay £100.

Mr. HULL said he understood from the Government that they did not want to make money out of the licences. He could not see why any licence fee should be charged to the association importing the labourers, nor could he see why any mining companies to which tkey were transferred should have to pay the licence. Mining companies would be put to an enormous expense over this experiment—it could be only an experiment for some time to come—and why should they saddle the industry with this extra expense.

The ATTORNEY-GENERAL said the object of the licence fee was to further facilitate the control by the Government over these labourers.

Mr. HULL said it appeared to be the intention of the Government to "snaffle" this money.

The ATTORNEY-GENERAL said it was not the intention of the Government to "snaffle" this money, and he doubted whether that was a Parliamentary word.

Mr. SOLOMON did not think there was any fear that individuals would import three or four labourers, seeing that they must obtain a permit to import them from the Lieut.-Governor.

Sir P. FITZPATRICK said the mining industry was in a peculiar position. In principle he agreed with what had been said, that no extra charge should be imposed upon the industry in the importation of this labour, but the industry did not object to payment of the £100 by every employer,

if that sum were agreed upon as fair. It might help hon. members to an appreciation of the true proportion of things if he mentioned that the importation of four labourers would cost £100. Their estimate of the expense of importing these men was £25 per head. Therefore this question of the £100 fee was relatively unimportant to them. The security which they offered that they would carry out their obligations, that they were sincere in the matter, and that the thing would not be abused, was this enormous cost per head of importing the labour.

On being put to the vote the amendment was lost, and the sub-clause as submitted by the Attorney-General was agreed to.

A new sub-section 4 to Clause 6 was proposed by the Attorney-General as follows :—"No such labourer shall be employed elsewhere than in the Witwatersrand area." This was agreed to.

Mr. LOVEDAY proposed the following new sub-section to Clause 6 :—

The maximum number of labourers to be admitted into the Colony not to exceed 25,000.

In moving the inclusion of this, Mr. Loveday said that when Sir G. Farrar introduced his motion he said it had been stated that he was going to bring 25,000 labourers here to swamp the country ; he said that to bring only 10,000 would cost the industry £200,000. He went on to say that if the labour was a success they might be able to release labour for outside, but they wanted to avoid labourers coming here except under complete supervision. The public were under the impression that there was to be a limited number of labourers admitted to the Colony, and he thought it very advisable that the number should be limited. They really did not know what would be the result of the experiment socially, economically, or physically. It might turn out that the labour was good, but socially the experiment might have such a result that people would say they did not want the labourers. A number should be laid down. If the experiment was a success, then people would not raise their voices against the introduction of such a number of labourers as were required for the mines.

8.50. Sir P. FITZPATRICK said that, in reply to the hon. member's remarks, he would like to state that if the experiment to which the hon. member alluded was not successful, the number of 25,000 was just 25,000 too many. If it was successful the number would not be enough. They had only 62,000 labourers now, and even the most adverse critic would recognise that for present requirements and the development of the immediate future they were 40,000 or 50,000 short. He did not think that anyone would dispute that; at any rate facts and figures could be adduced to show that the shortage was at least that number. No one would dispute that they were short. Last month they had no increase of supply, and this month he believed they would again be short, by a small number it was true, but still they would decrease. They saw no prospect of an increase in their supply. What was 25,000 ? He would say again that if the conditions of the Ordinance could not be carried out, it was 25,000 too many. There were two representatives of the mining industry and 28 others; was it possible that the Council would allow the experiment to proceed in the face of an experience of failure. He would certainly not vote for it if he thought that the conditions could not be carried out, and he was certain that Sir G. Farrar would not vote for it. To-day they could not possibly forsee what their requirements would be. He thought that the fact that the importation of 10,000 labourers would cost the industry £200,000 was good security of their bona-fides. If the experiment was successful, they had not said they would be content to appeal for permission to make a further experiment. There had been no suggestion made that the number should be limited to 10,000 or 20,000 imported labourers. He was not going to apologise as if he had perpetrated a crime, but would say that the experiment was either genuine and justifiable or it was not. If it was genuine, let them have free hands to make it, if not let them put it aside.

The CHAIRMAN : Does the hon. member press his amendment ?

Mr. LOVEDAY : Yes, certainly.

The amendment was lost, and the clause agreed to.

The ATTORNEY-GENERAL moved an amendment to Clause 7, so that it should read as follows :—"Every person obtaining a licence under the last preceding section shall for such purposes enter into a contract in writing with such labourers, which contract shall be signed by the labourers to be bound thereby in the presence of some person possessing the qualification prescribed by the regulations, and who shall before such labourers sign the contract explain to them the provisions thereof, as well as the provisions of this Ordinance mentioned in the schedule ; a certificate should be attached to such contract signed by such person that the provisions of this section have been explained to them ; and such certificate shall be conclusive evidence of the facts therein stated." He remarked that if this was adopted it would prevent any dispute on the arrival of the labourers.

The amendment was agreed to.

A POINT OF ORDER.

At 9.10 p.m. Mr. DE VILLIERS asked the Attorney-General if the Chairman (Dr. Ward) was a member of the Executive Council.

The ATTORNEY-GENERAL : No.

Mr. DE VILLIERS said he asked the question because he believed that their proceedings were not in accordance with the Standing Orders. He knew Dr. Ward would excuse him for making the remark, because he did not intend it personally, but for the good of the country. It was no use proceeding if what they passed was found afterwards not to have the force of law. As he read the rule, in the absence of the President the senior member of Executive must preside.

The ATTORNEY-GENERAL said if the hon. member had taken the trouble to study all the rules he would not have made the mistake he did. It was perfectly true that when the Council was sitting

if the President was unable to preside the senior member of the Executive must take his place ; but they were now in Committee, and the Lieut.-Governor, or any member he might appoint, might be chairman of the whole Council in Committee. The Lieut.-Governor appointed Dr. Ward before he left the chair at the adjournment.

PENALTY FOR REFUSAL TO RETURN.

Clause 24, which had been deferred, was again considered. This clause prescribes the penalty to be imposed if a labourer refuses to return to his country of origin, and consideration of it was deferred in order to give the Attorney-General an opportunity to draft an amendment.

The ATTORNEY-GENERAL now moved that in Sub-section 1 the word "sentenced" should be deleted, and the following words substituted : "liable to a fine not exceeding £10, and in default of payment to imprisonment for a period not exceeding three months." He also moved that the original Sub-clause 2 should be omitted, and the following substituted : "If any labourer sentenced to pay a fine or suffer imprisonment under the last preceding sub-section shall, after the payment of such fine or expiration of such term of imprisonment as the case may be, refuse to return to his country of origin, he may be forcibly sent back to his country of origin."

These amendments were agreed to.

OFFENCES.

Mr. HULL proposed that the following sub-section should be inserted before sub-clause 1 of clause 27 :

> Any labourers contravening the provisions of section 5 of this Ordinance shall be liable to the penalties provided in section 2

This was agreed to without discussion.

Mr. HULL then proposed the following to be sub-section 2 :

> Any person who in any way aids, abets, or assists any labourer, directly or indirectly, to contravene or evade the provisions of section 5 shall be liable to the penalties provided in section 6.

The penalties provided in section 6, he mentioned, were :

> "That any person contravening this section shall be liable to a penalty of £100 for every such labourer introduced by him and shall further be bound to refund to the Superintendent any expenses incurred by him in returning such person to his country of origin.

This was agreed to, and numbered sub-section 2.

The ATTORNEY-GENERAL moved that the following sub-clause, number 12, be added :

> Any importer who neglects forthwith to report to the Superintendent the desertion of any labourer while in his employment, shall be liable to a fine not exceeding £50, or to imprisonment for a period not exceeding three months.

Mr. DE VILLIERS suggested that the penalty should be left to the discretion of the Magistrate.

THE ATTORNEY-GENERAL said that when an offence was created by Statute the Statute provided the maximum punishment.

The amendment was agreed to.

The ATTORNEY-GENERAL moved that the following new sub-clause, number 13, be added :—

> Any person who shall give or receive any value or consideration for the transfer of any labourer contrary to the provisions of section 11 of this Ordinance, shall be liable, on conviction, to a fine not exceeding £500, or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

This was agreed to, and the clause, as amended, was passed.

THE SCHEDULES.

9.40. The ATTORNEY-GENERAL said the first schedule to be considered was the description of the Witwatersrand area.

Sir P. FITZPATRICK : We are prepared to accept the Witwatersrand area to be that defined as the area within the jurisdiction of the High Court.

The ATTORNEY-GENERAL said in that case they need not put it in as a schedule.

DEFINITION OF A LABOURER.

9.45. Mr. RAITT moved that the schedule of trades and occupations referred to in the definition of labourer be as follows : Amalgamator, assayer, blacksmith, boilermaker, brass-finisher, brass-moulder, brickmaker, bricklayer, banksman, carpenter, coppersmith, clerk, cyanide shiftsman, drill sharpener, driver of air or steam winch, driver of mechanical or electrical machinery, engineer, electrician, engine-driver, fitter, fireman, ganger, gardener, ironmoulder, joiner, mine storeman, mechanic, machinist, millwright, mason, miner, machine rock-driller, mine carpenter, miller, overseer (in any capacity other than the management and control of labourers), onsetter, patternmaker, plumber,

painter, plasterer, pipeman, pumpman, platelayer, quarryman, rigger, stonecutter, stoker, signaller skipman, sampler, sawyer, turner, tinsmith, timberman, trammer, timekeeper, wire splicer, wood-working machinist.

9.50. Sir P. FITZPATRICK : I have a telegram from one of the leading engineers of the Rand stating that now there is nothing left except shovelling for the imported labourers, and that the Ordinance might as well be abandoned. Since the information upon which that opinion was formed was published, Mr. Raitt has made an amendment, which introduces the important exception "except as unskilled assistants," but even that I do not think is satisfactory. In brickmaking for instance, I do not know what an unskilled assistant is, as I have never seen a white man at brick-making. If he means the lessee of the brickfields who directs the whole thing, well and good, but the men who do the work are natives. In drill-sharpening all the rough work is done by the natives; certainly the important work is done by the white men, and I hope always will be, and in fact can only be done by white men. A large number of natives are employed on each mine as firemen and stokers. On the mines an effort is being made to provide vegetables for the natives, and all the gardeners are natives, and so they will be in the case of Chinese, if they come, and it must necessarily be so. You cannot employ white gardeners for this work. I suppose there are very few white gardeners employed in the whole country. Again, all the quarrymen are natives; there is hardly such a thing as a white quarryman. Sawyer is another important occupation, but the men who do the work are natives. The trammers are all natives, and what is the sense of including that unless to invite difficulties and complications? One of the objects for the introduction of these labourers is to do mining and stoping. I cannot possibly see why such occupations should be enumerated in the schedules, if one has a due regard or wish to see this Ordinance worked properly.

The ATTORNEY-GENERAL said that if one made a list of occupations from which these labourers would be excluded, they were bound to put in that list some occupation for which they could not be excluded. He could not say anything about the list, and if the hon. members would agree to the list he would be quite satisfied.

Mr. DE VILLIERS said he considered the introduction of the words "unskilled assistants" would cover everything. He remembered the time when they had to define what was a coloured man, and they had to leave it to the Courts to decide.

The ACTING COMMISSIONER of MINES said the intention was to introduce Asiatics to supplement the unskilled native labour in the mines, but it appeared that many of the occupations mentioned in the schedule were carried on by the natives in the mines, and why Asiatics should be excluded from doing the same work as the natives he failed to see.

Sir P. FITZPATRICK : I may mention that this occupation which is debarred, stoking and firing is done to-day on the Rand by Indians—Asiatics. The hon. members who protests against this do not seem to know it, and if they visit the mines they will find that Indians have been for years doing that work. It was never done by white men.

9.55. Mr. RAITT said the mining regulations specified that that work should be done by Europeans—he referred particularly to firemen and stokers.

Sir P. FITZPATRICK : You cannot get them to do it.

Mr. RAITT said that there was not a boiler on the Rand that was not in charge of a white fireman, and that was what was meant in the schedule. He might say the great bulk of the schedule had been drafted from the schedule already prepared by Sir George Farrar, and he (Mr. Raitt) had gone carefully through it, with others, who were experts. Every occupation that was mentioned in the schedule was the acknowledged occupation of skilled white men. If Sir P. Fitzpatrick persisted in his ideas they should sweep away the schedule altogether, and rely on the one word unskilled labourer, and leave that to the interpretation of whoever might be concerned. They had thought out the matter very carefully, and they had concluded it was better for their protection to frame the schedule.

Sir P. FITZPATRICK : I would ask the hon. member to tell me where on the mines of the Witwatersrand he has got white brickmakers, white firemen, and white gardeners and white trammers.

Mr. RAITT : On every mine on the Rand where such occupations are carried on. At any rate the schedule was made out by Sir George Farrar. The mining regulations provide that firemen shall be white men.

Sir P. FITZPATRICK : I would point out to the hon. member there are 58 occupations here. I have selected only ten of these. Not that I object to secure the white men in their employment—far from it; that is my object. But I do object to raising unnecessary points that would lead to trouble. Some of the occupations are doubtful. There are some occupations which I would point out are filled by none other than natives It is senseless to invite trouble. There are overseers who are white, and I want them to remain, but to attempt to include them as miners and stokers is nonsense.

Sir G. FARRAR : The hon. member, Mr. Raitt. has referred to a list in a speech I made, I think, on March 31. I notice in the Ordinance that unskilled labour is defined as "such labour as is usually performed in this Colony by persons belonging to the aboriginal races or tribes of Africa south of the Equator." I think, sir, that that is an excellent definition, and entirely safeguards the skilled man; but, sir, I enumerated a list on March 31, and with one or two exceptions, I am perfectly prepared to vote for the schedule. If the hon. member, Mr. Raitt, thinks this schedule preferable I am certainly prepared to vote for it. The only suggestion I would make is this : There are certain trades mentioned in the list, namely, brickmaker, fireman, gardener, boilerman, stoker, sawyer, and trammer. If he makes these exceptions, I am prepared to vote for the list.

An Hon. Member: And "miners."

Sir G. FARRAR: No; "miner" is perfectly clear. I think the workmen on the Witwatersrand would have more perfect protection by the definition given of unskilled labour in the Ordinance which I have read out; but as I was one of the first to enumerate a schedule, I am certainly willing to vote for it, and if the hon. member will take those I have excepted from the schedule I am perfectly prepared to vote for it.

Mr. HULL: During the agitation of the last twelve months there has been more or less of a compact made between the mine owners and the workmen that there are certain trades or occupations which will not be encroached upon. My hon. friend addressed a meeting chiefly of miners on March 31, and at that meeting Sir George Farrar, speaking on behalf of the mining industry, made certain definite promises to the miners. I think it is very important to the community to remember what he said. Certain definite assurances were made to the miners and those assurances ought to be maintained by the Council. Sir George Farrar at that meeting said: "I will guarantee never to consent to any legislation on this question unless the following restrictions are embodied in the resolution." Then he proceeded to state that there shall be importation and repatriation under contract, and Government control; that no licence or trading licence shall be granted to the imported persons. He went on further to say: "That no labour shall be employed otherwise than as an unskilled labourer in this Colony; nor shall they take part in any work other than that done by unskilled native labourers." And by way of enumeration, then follows a carefully prepared list. That list is practically the same as stated by my hon. friend, Mr. Raitt, and particularly mentions brickmaker, miner, drill sharpeners, trammers, underground and on surface. It seems to me, therefore, that it is almost the duty of the Committee to accept this list. It was given by the mining industry to the public of the Witwatersrand.

Mr. SOLOMON said that in approaching a question like this they had to treat it in a reasonable, business-like spirit, and although they should protect the workmen they should also see that the mining industry did not suffer. He would like his hon. friend, Sir George Farrar, to say if he had made a mistake, and why it was that he had altered his proposition made at the East Rand.

Sir G. FARRAR: I have listened to the hon. member's questions, and in reply to the last hon. member I would say I have made no mistake, nor do I want to alter any word that I spoke at the East Rand. I am not accustomed, like some hon. members, to make a speech and withdraw it. I spoke my word on March 31 last, and I don't withdraw a single word. I absolutely refute the insinuations made that I have endeavoured to trim or that I made one speech one day and another on another day. When I make a speech I make one. When I make a speech to my workmen my word to them is as good as my bond, and I say to-day that I stick to every word I said. I have said that the definition of the Attorney-General protects the workman more than a thousand and one names of occupations. But I say that one or two exceptions should be made to the trades I mentioned at Driefontein on March 31. They are minor trades, and I think they had better be omitted. But I say to-day that I absolutely refute the insinuations that I have gone back on my word. My word to my workmen is as good as my bond, and what I said to them I am prepared to carry out.

Mr. RAITT said he regretted he could not fall in with Sir G. Farrar's suggestion. Let them take the first occupation which it was proposed should be omitted from the schedule—brickmaker. Of course, in brickmaking a great deal of coarse work was done by Kafirs, but there was brickmaking of a different type. Brickmaking machines were being extensively introduced, and the man who had charge of these machines was called a brickmaker. Then, with regard to the word "fireman," the person who had charge of boilers was called a fireman. As for "gardener," he found that in Sir G. Farrar's own list. He did not particularly urge that that should remain, if members wished it deleted. But it was quite possible that the occupants of the staff houses that had been erected on the mines would employ gardeners, and he preferred that such work should be reserved for white men, instead of being handed over to Asiatics. Then, as to "quarryman," a proper quarryman was a skilled worker, because he was nearly always working with explosives; and both he and the native who worked in the quarry was called a quarryman. Then, with regard to "sawyer." The man who had charge of steam saws was a sawyer and followed one of the most dangerous occupations on the mines. It was impossible to delete these occupations.

Sir P. FITZPATRICK: Call him a machine sawyer then.

Mr. RAITT said he never heard of any other kind of a sawyer. He was perfectly willing to supplement the definitions by adding the word "machine." As to tramming, he knew that this work was done by natives, but under the supervision of an overseer, and the overseer was called a trammer. However, as the clause dealing with overseers covered this, he was willing that trammer should be deleted.

Mr. HOSKEN said personally he believed the skilled workers would get better protection by simply adopting the definition of "unskilled workmen," as it appeared in the original draft Ordinance, but, so far as they had been able to gather the opinions of organised workers, they appeared to desire to have a schedule, and the Council had to make that schedule as reasonable and complete as possible, and one which would create the least friction. They should accept the principle of the schedule, and proceed to delete superfluous trades that were likely to cause friction and difficulty.

The ACTING COMMISSIONER of MINES suggested that Mr. Raitt should add the word "overseer" to the occupations he had mentioned.

Sir P. FITZPATRICK said when they drew up this schedule they must remember that they were putting it into an Ordinance to be sued upon in Court, and therefore it had to be carefully drawn up. Anybody might institute a prosecution under this Ordinance, and it would cause endless difficulty and bad feeling.

The ATTORNEY-GENERAL said he quite agreed that the schedule must be carefully drawn up.

After further discussion of the point, the following amendments to the schedule were agreed to :—The word "overseer" was added after "brickmaker," "fireman," "miner," "quarryman"; the word "machine" was added to "overseer"; and the words "gardener," "stoker," and "trammer" were deleted.

Sir P. FITZPATRICK intimated that this was quite satisfactory.

The schedule as amended was then agreed to.

On the motion of the ATTORNEY-GENERAL, the preamble of the Ordinance was amended so as to read :—

> Whereas it is desirable to make provisions for regulating the introduction from outside Africa south of 12 degrees north of the equator into the Witwatersrand area, unskilled labour not being of European descent for the exploitation of minerals within the said area.

The peramble having been agreed to.

The ATTORNEY-GENERAL moved that the Ordinance be reported as amended. This was agreed to, and the Attorney-General took the Presidential chair.

The Ordinance having been reported, the COLONIAL SECRETARY intimated that the consideration of the report would be taken on Friday.

10.38. The COLONIAL SECRETARY moved the adjournment of the House until Wednesday at 2 o'clock.

Mr. DE VILLIERS said that, seeing that the Attorney-General had taken the Presidential chair, he thought he must have been right in what he said about procedure, and he was glad that his suggestion had been carried out.

The ATTORNEY-GENERAL : The hon. member is not right, because we are now in Council.

The motion to adjourn was agreed to, and the House rose at 10.38.

The "STAR," Tuesday, February 2, 1904.

THE LEGISLATIVE COUNCIL, Monday, February 1st, 1904.

LABOUR IMPORTATION ORDINANCE.

3.8. The ATTORNEY-GENERAL said he hoped he would not cause great disappointment or inconvenience if he asked that the report of the Labour Importation Draft Ordinance should be discharged from the order paper, and put down for Wednesday. Several amendments had been sent in by two or three members of the Council, and were important. He felt that in an Ordinance of that kind amendments should be printed on the paper. If they took the consideration of the report on Wednesday he anticipated no difficulty in getting the third reading of the Ordinance through this week. He moved that the report of the Ordinance be discharged from the order paper.

The COLONIAL SECRETARY seconded.

Mr. HULL asked if it was the Attorney-General's intention to move for re committal of the Ordinance.

The ATTORNEY-GENERAL said he could give no undertaking. He would move the re-committal of the Ordinance if he thought it was necessary, but it might not be necessary.

The Attorney-General's motion was agreed to.

The "STAR," Thursday, February 4, 1904.

THE LEGISLATIVE COUNCIL, Wednesday, February 3, 1904.

LABOUR IMPORTATION DRAFT ORDINANCE.

RECOMMITTED.

2.51. The ATTORNEY-GENERAL said there were several amendments to the Labour Importation Draft Ordinance, which he thought it would be more convenient to discuss in Committee of the Council than at the report stage, and he thought it would be meeting the wishes of most of the members of the Council if he moved that the draft Ordinance be re-committed.

The COLONIAL SECRETARY seconded, and the motion was carried.

2.50. Sir G. FARRAR moved as an amendment to clause 1, to insert the words "labour, except as unskilled assistants in " so that the clause would read : "'Unskilled labour' means such labour as is usually performed in mines on the Witwatersrand District by persons belonging to the aboriginal races or tribes of Africa south of the Equator, and in particular, shall not include labour except as unskilled assistants in any of the trades and occupations mentioned in schedule 1."

Mr. HULL said that if the amendment was adopted they might as well expunge the whole of the schedule. Taking the case of an amalgamator, it would be possible for the labourer to be an unskilled amalgamator, and this was as good as saying that a labourer might come here to be a skilled man.

The ATTORNEY-GENERAL said that the amendment was only to make the clause in keeping with the motion proposed by Mr. Raitt in regard to clause 9.

Sir G. FARRAR said he was quite willing to hold the amendment over, and it was agreed to postpone the consideration of the clause.

3.0. Sir G. FARRAR moved the deletion of the words "In the office of the Superintendent," and the insertion of the words "In such manner and at such place as may be prescribed by regulations," so that clause 8 should read: "It shall not be lawful for any labourer to enter be or reside or to be introduced into this Colony unless he shall previously have entered into the contract referred to in section 8 and until such contract has been registered in such a manner and at such place as may be prescribed by regulations." He remarked that the contract would be forwarded to the Superintendent of Asiatics located in the Transvaal, according to the original intention, but he would point out that such contracts would come with the labourers, and it would save delay if the registration was left to the regulations, as the Superintendent would have his own office or his officer located at the port, where the contracts could be gone through.

The ATTORNEY-GENERAL said that it would be very inconvenient to have a registration office outside the confines of the Colony, and he thought the hon. member would be well advised if he left the amendment alone. He did not think that the registration of contracts should be left to the regulations.

Sir G. FARRAR withdrew his amendment.

3.10. Mr. HULL moved the deletion of the words "Except as unskilled assistants" from sub-section a, in clause 9. The clause provided that the introduction of labourers should be subject to certain conditions embodied in the contract, and the sub-section a, was as follows:

> That so long as the labourer remains in this Colony he shall be employed only on unskilled labour in the exploitation of minerals within the Witwatersrand District and in particular shall not be employed in any of the trades or occupations specified in schedule 1 to this Ordinance except as unskilled assistants.

Mr. HULL remarked that the intention of the Ordinance was to introduce labourers as unskilled assistants to the mines.

The ATTORNEY-GENERAL said that the imported labourer could do work usually performed by members of the aboriginal races of Africa south of the Equator—that was, he could assist the boiler-maker or blacksmith in the same way that the kafirs now did. It was only necessary to find out whether the imported labourer did the work which a kafir usually performed. He was almost tired of saying that the schedule would be better if left out of the Ordinance.

SIR G. FARRAR said the words should stand, both in the clause and in the definition given in the first clause.

Mr. HOSKEN said that, taking the schedule which contained the words "rock-driller," the native usually assisted in screwing up and starting the drill at work, and actually looked after it, while the white man in charge was away—especially when the drill was in a dusty place. He thought the Ordinance would be anomalous if the amendment was carried, for the imported labourer would not then be carrying out the duties usually performed by members of the aboriginal races of Africa.

Mr. HULL said that what the Attorney-General had said made his proposal quite clear. If these words were included in the clause these labourers would be entitled to work as engineer's or amalgamator's assistants. They might as well describe the Ordinance as being for the importation of skilled and not unskilled labourers.

3.15. Mr. VAN RENSBURG said there was only one definition of "unskilled labour," and that had been given already. An assistant unskilled man could work a machine when the white man in charge was absent

Sir G. FARRAR said he would like to point out that the words were an amendment of Mr. Raitt's. He thought the clause should remain. No one could do the work of a machinist or driver unless he had first obtained a licence from the proper authority.

The ATTORNEY-GENERAL said he thought that the schedule should be left out. If the clause was agreed to, they should alter "trades and occupations" to "capacities."

Mr. RAITT said the whole question seemed to him to be the meaning of language, and with all due deference he thought that the words "except as unskilled assistants" was the only way of clearly expressing their intention.

Mr. HULL said that if the words were kept in, labourers would be entitled to assist in work excluded by the specific definitions of the schedule.

The ATTORNEY-GENERAL suggested the inclusion in the sub-section of the words "and in particular shall not be employed in the trades or occupations mentioned in the schedule except for unskilled labour therein."

Sir G. FARRAR said that one engaged a white man and five native assistants with a rock-drill. These drills ran in the dinner-hour, and while the white man was away; if the words were deleted the natives would not be able to touch them.

Mr. VAN RENSBURG said that in that case there should be four white men employed so that one could relieve the other.

Mr. HOSKEN said the difficulties of the case were met in the simplest manner by the inclusion of the section under discussion.

The COMMISSIONER of MINES said that except to persons accustomed to mines the definition of skilled and unskilled labour was a difficulty. He quite agreed that the schedule should be left out o the Ordinance. Natives were employed on work which was usually considere l skilled, but which was considered unskilled on the mines. When the white man went to lunch, for instance, the native would be left in charge of the drill, but the mere running of a rock-drill was in itself not a skilled operation. Drills were commonly run by natives directed by a white man. He thought that the original definition of unskilled labour should be retained.

Mr. LOVEDAY said that, for instance, a man who could daub paint on to a wall could not be called an unskilled assistant, but they did not want the Chinese to do that sort of work. They must be very careful.

3.25. Mr. HULL withdrew his amendment to delete the words "except as unskilled assistants," and adopted the suggestion of the Attorney General to add the words "except for unskilled labour therein," so that the section would read : "So long as the labourer remains in this Colony he shall be employed only on unskilled labour in the exploitation of minerals within the Witwatersrand district, and in particular shall not be employed in any of the trades or occupations specified in Schedule I. to this Ordinance, except for unskilled labour therein. As to the deletion of the Schedule, Mr. Hull said there was a pledge between the representatives of the mining industry and their white employees that certain classes of trade and occupations should be mentioned in the Ordinance, and if the schedule were deleted it would be something like a breach of the compact.

The amendment was agreed to.

Sir G. FARRAR moved to delete the words in Paragraph (b) Clause 9, "to whom such first person may lawfully assign his rights under the contract for a term of service to be fixed by the contract," and to insert instead therefor the following words : "to whom the rights of such first-mentioned person under the contract may be lawfully transferred as provided under Section 11 hereof for a term of service to be fixed by the contract."

The amendment was agreed to, and Clause 9 was agreed to with the amendments aforesaid.

On Clause 10, with reference to period of contracts,

Mr. RAITT proposed that instead of the words "not exceeding three years," the words should read "further period or periods not exceeding in all three years."

The ATTORNEY-GENERAL : There is no objection to that. It is curious to see my hon. friend anxious not to part company with these people (Laughter.)

With reference to Clause 13.

SIR G. FARRAR moved to delete the first four lines of the clause and to insert the following : "The regulations for the registration of labourers shall provide for the furnishing by the importer to the officer making the registration a return showing," etc.

The ATTORNEY-GENERAL remarked that he did not see any good would follow the alteration of the clause in the way proposed.

SIR G. FARRER withdrew his amendment.

NEW CLAUSES.

THE ATTORNEY-GENERAL, on Clause 20, moved to delete the whole of this clause, and insert the following new clause instead therefor :

20 (1) It shall be lawful for any inspector under this Ordinance, or for any police officer to demand from any person whom he has reason to suspect is a labourer introduced under this Ordinance the production of the passport mentioned in section fifteen, and if it appears from such passport on being produced that such labourer is absent from the premises on which he is employed, such inspector or police officer as aforesaid shall demand from him the permit mentioned in the last preceding section.

(2) Any person failing to produce his passport or permit when asked to do so under the last preceding sub-section may be arrested without warrant and taken before the nearest Court of Resident Magistrate, and on conviction for being without such passport or permit as the case may be he shall be liable to a fine not exceeding £10, and in default of payment to imprisonment for a period not exceeding one month.

(3) In a prosecution under the last preceding section of any person not producing a passport when requested to do so, it shall be presumed until the contrary is proved that the accused person is a labourer introduced under this Ordinance, and on the payment of any fine, or expiration of any term of imprisonment imposed on him, he shall be sent back by the Superintendent to his employer, and in case his employer cannot be found, and he refuses to be engaged by any importer as a labourer under this Ordinance he may be forcibly returned to his country of origin by the Superintendent."

The motion was agreed to.

Mr. HULL moved to insert the following new clause after Clause 20 :—

The Superintendent shall at least once during every three months transmit to the Lieutenant-Governor (for publication in the "Government Gazette") a statement showing among other things—

(a) the number and particulars of licences issued and cancelled ;
(b) the number of labourers introduced into this Colony and their country of origin ;
(c) the number of labourers who have been returned to their country of origin and the causes of such return ;
(d) the number of labourers who have died and deserted ;
(e) particulars of any contravention under this Ordinance ;
(f) number of families imported or introduced and returned in terms of this Ordinance ;
(g) particulars of any contraventions of this Ordinance.

The motion was agreed to.

On Clause 21, dealing with the bond to be entered into by importers for return of labourers to their country of origin.

Mr. HULL moved to insert the following new clause, to be Clause 21 :—

At least thirty days before the expiration of the term of service of any labourer the importer who is responsible for the expenses of such labourer's return to his country of origin shall notify the Superintendent of the date on which such service shall expire, and shall take all necessary steps to the satisfaction of the Superintendent for ensuring the immediate return of such labourer to his country of origin and shall carry out and comply with all such directions as may be issued by the Superintendent as to the place from which such labourer shall take his departure and as to his control while in transit. Any importer contravening the provisions of this section shall be liable on conviction to a fine not exceeding £100, or in default to imprisonment for not more than six months.

The motion was agreed to, and the new clause added.

LABOURERS' FAMILIES.

The ATTORNEY-GENERAL moved the following new Clause 31 :—

(1) It shall not be lawful for the wife or any member of the family of any labourer or any female belonging to the race or tribe of any labourer introduced into this Colony to enter, be or reside in this Colony unless they be respectively introduced by a duly licensed importer under, as far as practicable, the same conditions and restrictions "mutatis mutandis" as are provided in this Ordinance for the introduction of labourers.

(2) The family of any labourer introduced into this Colony by any importer under any regulations made by the Lieutenant-Governor, and any children of such labourer born in this Colony shall be returned by the importer to their country of origin on the death of such labourer, or on the happening of any of the events when under this Ordinance such labourer is liable to be returned to his country of origin, and such importer as aforesaid shall give the like security for the payment of the expenses incurred in connection with the return of such family as is required under section twenty-one of this Ordinance.

MR. LOVEDAY asked what would be the position of a girl who came into the country and got married to one other than a Chinaman? Their object was to prevent the Chinese settling in the country in any possible way, but as far as he (Mr. Loveday) could see, a Chinaman might bring in half a dozen girls and marry them all to other than Chinamen : and the law could not separate man and wife. There was another difficulty—there was no age limit for any labourer. Suppose boys from 16 to 20 came in, how were they to control them? There was no law controlling them as to where they were to reside and so forth.

The ATTORNEY-GENERAL replied that under the power given to the Lieutenant-Governor, His Excellency could make regulations with regard to the importation of labourers. He (the Attorney-General) could assure the hon. member that the regulations were very full on that point. The motion was then agreed to, and the new clause adopted.

ROYAL ASSENT.

On Clause 32, on the title of the Ordinance,

The ATTORNEY-GENERAL moved to add the words "and shall not take effect unless and until the Governor shall proclaim in the 'Gazette' that it is His Majesty's pleasure not to disallow the same, and thereafter shall come into operation upon such day as the Governor shall notify by proclamation."

The motion was agreed to.

In Clause 1 an amendment was moved by Sir G. FARRAR to the sub-section defining "unskilled labour." The original sub-section was as follows :—

"Unskilled labour" means such labour as is usually performed in mines in the Witwatersrand district by persons belonging to the aboriginal races or tribes of Africa south of the Equator, and in particular shall not include any of the trades and occupations mentioned in the schedule I, to this Ordinance.

The amendment was to delete all the words of the sub-section after the word "Equator."

This was agreed to.

The preamble of the Ordinance was then passed, and the Clerk reported the Ordinance, as amended, to the Council.

The ATTORNEY-GENERAL announced that he would take the report stage on Friday.

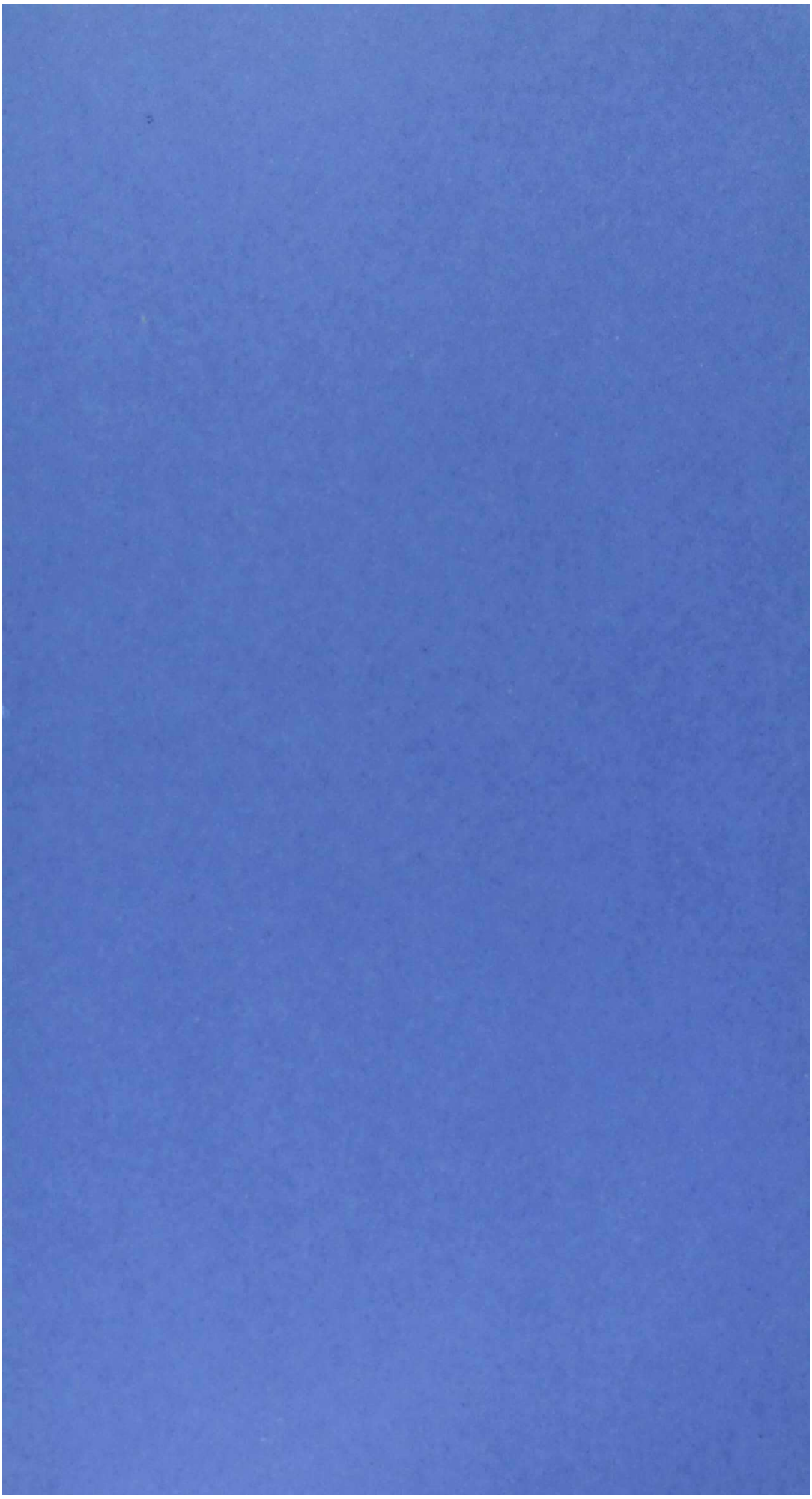
The "STAR," Saturday, February 6, 1904.

THE LEGISLATIVE COUNCIL, Friday, February 5, 1904.

LABOUR IMPORTATION ORDINANCE.

REPORT STAGE PASSED.

The Council took the report stage of the Draft Labour Importation Ordinance, and, after a few unimportant alterations had been made in the wording of some of the clauses, the report was adopted ; and the ATTORNEY-GENERAL announced that he would move the third reading on Monday.



AFRICA. No. 3 (1904).

CORRESPONDENCE

RESPECTING THE

INTRODUCTION OF CHINESE LABOUR INTO THE TRANSVAAL.

Presented to both Houses of Parliament by Command of His Majesty.
February 1904.

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Correspondence respecting the Introduction of Chinese Labour into the Transvaal.

No. 1.

Sir E. Satow to the Marquess of Lansdowne.—(*Received December* 21.)

My Lord,

Peking, November 2, 1903.

I HAVE the honour to transmit herewith to your Lordship a copy of a note from the Chinese Government informing me of a communication which has been received from the Chinese Minister in London on the subject of the proposed engagement of Chinese labour for South Africa, and the necessity of framing Regulations for its control.

I have, &c.
(Signed) ERNEST SATOW.

Inclosure in No. 1.

Prince Ching to Sir E. Satow.

Sir,

Peking, October 23, 1903.

THE Board has received a letter from Chang Ta-Jên, Chinese Minister to England, to the effect that it is desired to invite Chinese labour for the opening of mines and other work in British South Africa, and that proper Regulations should be drawn up in accordance with Treaty, for the affording of due protection.

The Board have the honour to observe that by the Vth Article of the Treaty of 1860,* between China and Great Britain, it is provided that Chinese in all the provinces choosing to take service in the British Colonies or other parts beyond sea, are at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families on board any British vessel at any of the open ports of China. Also that the provincial authorities concerned shall, in concert with His Britannic Majesty's Representative in China, frame such Regulations for the protection of Chinese emigrating as above, as the circumstances of the different open ports may demand.

Thus, when Chinese labour is invited Regulations should by the Treaty be framed by the two Powers for the common advantage of both. And as there is now a scheme for inviting Chinese labour to British South Africa, satisfactory Regulations should be settled by the British Foreign Office and Chang Ta-Jên to be followed and observed.

I beg that the following may be communicated to His Majesty's Secretary of State, and also that I may be favoured with a reply to this note.

I avail, &c.

---

* Article V. "As soon as the ratifications of the Treaty of one thousand eight hundred and fifty-eight shall have been exchanged, His Imperial Majesty the Emperor of China will, by Decree, command the high authorities of every province to proclaim throughout their jurisdictions, that Chinese choosing to take service in the British Colonies or other parts beyond the sea, are at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families on board any British vessel at any of the open ports of China; also that the high authorities aforesaid shall, in concert with Her Britannic Majesty's Representative in China, frame such Regulations for the protection of Chinese, emigrating, as above, as the circumstances of the different open ports may demand."

No. 2.

Colonial Office to Foreign Office.—(Received January 28.)

Sir, *Downing Street, January 27, 1904.*

I AM directed by Mr. Secretary Lyttelton to transmit to you, to be laid before the Marquess of Lansdowne, the accompanying copy of a draft Ordinance which has been brought into the Transvaal Legislative Council, for regulating the introduction into that Colony of Asiatic labour. The draft* represents the form in which the Ordinance was placed before the Council, and Lord Lansdowne will observe that Lord Milner is anxious, if possible, to learn whether its provisions are likely to be acceptable to the Chinese Government. According to press telegrams the Ordinance has already got through the Committee stages.

2. The satisfactory working of the Ordinance, if it comes into operation, will largely depend upon the Regulations framed under it, as to which it would be desirable that the Chinese Government should be consulted, and negotiations entered into in accordance with the wish of that Government, as indicated in Prince Ching's letter to Sir E. Satow of the 23rd October last. But it would be of advantage if at the outset, and without delay, the Chinese Minister could be invited to give his views on the legislation which is being proposed in order to ascertain whether Regulations acceptable to his Government could be framed on the basis of this Ordinance in the event of His Majesty's Government deciding to sanction it.

3. The position of His Majesty's Government in the matter is that it has sanctioned the introduction of the Ordinance, but does not propose to arrive at a final decision in regard to it until it has had the opportunity of considering the law as passed.

I am, &c.
(Signed) FRED. GRAHAM.

No. 3.

Foreign Office to Colonial Office.

Sir, *Foreign Office, January 30, 1904.*

I HAVE laid before the Marquess of Lansdowne your letter of the 27th instant respecting the draft Ordinance which has been brought into the Transvaal Legislative Council for regulating the introduction into that Colony of Asiatic labour.

His Lordship observes that the Secretary of State for the Colonies is anxious that the Chinese Minister here should furnish His Majesty's Government with his views on the legislation proposed, and it appears to him that, with a view to avoid the delay of discussion by correspondence, the best course would, in these circumstances, be to send the Ordinance to Chang Ta-Jên with a suggestion that if there are any points in it on which he requires further explanation they should be provisionally discussed by a Committee, on which the Chinese Legation and the Foreign and Colonial Offices should be represented.

I am to inquire whether this course of procedure meets with Mr. Lyttelton's concurrence.

I am, &c.
(Signed) F. H. VILLIERS.

No. 4.

Colonial Office to Foreign Office.—(Received February 3.)

Sir *Downing Street, February 2, 1904.*

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 30th ultimo, and to state that he concurs in the proposal that the Chinese Minister should be furnished with a copy of the draft Ordinance for regulating the

* See Parliamentary Paper. [Cd. 1895.]

introduction of Asiatic labour into the Transvaal. I am to suggest that, in order to save time, it would be well in sending the draft to ask the Chinese Minister the question whether the Ordinance is one on which Regulations acceptable to his Government could be framed. If he answers in the affirmative, the Conference proposed in your letter would follow.

I am, &c.
(Signed) H. BERTRAM COX.

No. 5.

The Marquess of Lansdowne to Chang Ta-Jén.

Sir, *Foreign Office, February* 4, 1904.

I HAVE the honour to inform you that, on the 23rd October last, Prince Ching addressed a note to His Majesty's Minister at Peking to the effect that, in view of the reported desire of His Majesty's Government to invite the immigration of Chinese labourers into British South Africa for service in the mines, it was desirable that Regulations should, in accordance with Article V of the Anglo-Chinese Treaty of 1860, be drawn up to provide for the proper supervision and protection of such immigrants. The note then proposed that the Regulations should be settled between you and this Department.

I have now the honour to transmit to you the draft of an Ordinance which has been prepared in the Transvaal Colony governing the introduction into that Colony of unskilled non-European labourers, and to inquire whether this Ordinance is, in your opinion, one on which Regulations acceptable to the Chinese Government could be framed.

As the matter is pressing, I beg leave to request that you will favour me with a reply at your earliest convenience.

I have, &c.
(Signed) LANSDOWNE.

No. 6.

Chang Ta-Jén to the Marquess of Lansdowne.—(Received February 12.)

My Lord, *Chinese Legation, London, February* 11, 1904.

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 4th instant, forwarding me the draft of an Ordinance prepared in the Transvaal Colony for regulating the introduction into that Colony of unskilled non-European labourers, and asking my opinion as to whether that Ordinance would be acceptable to the Chinese Government as a basis for the Regulations which my Government have authorized me to draw up with your Lordship for the purpose of giving effect to Article V of the Anglo-Chinese Treaty of 1860.

The Ordinance in question being a measure affecting the internal economy of the Transvaal, I have to recognize the courtesy and consideration of His Majesty's Government in consulting me with regard to it before giving it the force of law. A similar course on the part of some of the self-governing Colonies who have passed laws offensive to the Chinese Government would have obviated the necessity for much of the acrimonious correspondence from this side which has taken place with respect to the legislative indignities which have been heaped on Chinese immigrants into some of the self-governing British Colonies.

I have given the draft Ordinance, which is the one referred to in Lord Milner's note of the 4th January,* my careful consideration, and I am glad to be able to inform your Lordship that I do not find anything in it which is likely to conflict with anything I shall have to propose when we come to negotiate the "Réglement" for the supervision and protection of Chinese immigrants provided for in Article V of the Treaty of Peking.

But as in the course of these negotiations I shall have to propose the appointment of Consuls or Consular Agents to watch over the interests and welfare of the immigrants, I would respectfully venture to suggest, for the consideration of His Majesty's

* See Parliamentary Paper. [Cd. 1895.]

Government, the insertion, at any convenient places in the Ordinance of the following additions and alterations :—

1. That the Consul or Consular Agent of the country of the immigrant shall have power to visit the mines and inspect the places prepared for the accommodation of the immigrants at all reasonable times, and to make representations to the authorities on the subject of any matter affecting the comfort and well-being of the immigrant which may appear to him necessary.

2. That in no case shall it be allowable for the employer or his servant to inflict corporal punishment on the immigrant, and that any violation of this provision shall be punishable at law as a common assault.

3. That the person styled "the importer" shall be a *bonâ fide* employer of labour, and not a mere dealer or speculator in labour; and that the transfer or assignment of the labourer to another employer shall only be made with the consent of the immigrant and the approval of the Consul or Consular Agent of his country.

This is necessary in order to prevent the immigrant from being made a mere chattel or article of commerce.

4. That repatriation shall take place to the port of embarkation in the country of the immigrant, and not merely to his "country of origin," as provided in the Ordinance.

5. That the immigration shall be made only in British bottoms or ships of the nation to which the immigrant belongs, and under the Regulations instituted by the British Board of Trade for ships employed in carrying immigrants.

The adoption of these suggestions by the authorities of the Transvaal would much contribute to render the Ordinance more acceptable to the Imperial Government of China, and to the gaining of the confidence of intending emigrants; more especially in provinces whose inhabitants have not hitherto been in the habit of emigrating to foreign countries.

I have, &c.
(Signed) T. J. CHANG.

No. 7.

Colonial Office to Foreign Office.—(*Received February* 13.)

Sir, *Downing Street, February* 12, 1904.

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter, inclosing a copy of a note to the Chinese Minister, dated the 4th instant, with reference to the Transvaal Labour Importation Ordinance. I am to suggest that it might be well to forward to the Chinese Minister the Parliamentary Paper inclosed, which contains an amended draft of the Ordinance.*

I am, &c.
(Signed) H. BERTRAM COX.

No. 8.

The Marquess of Lansdowne to Chang Ta-Jên.

Sir, *Foreign Office, February* 13, 1904.

WITH reference to my note of the 4th instant, I have the honour to transmit to you a copy of a Parliamentary Paper containing a copy of the Draft Ordinance to Regulate the Introduction into the Transvaal of unskilled non-European labour, which has been amended in accordance with the last telegrams received from Lord Milner.

I have, &c.
(Signed) LANSDOWNE.

---

* See Parliamentary Paper. [Cd. 1898.]

No. 9.

Colonial Office to Foreign Office.—(*Received February* 15.)

Sir, *Downing Street, February* 15, 1904.

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 12th instant, inclosing a copy of a note from the Chinese Minister respecting the Ordinance for the importation of Asiatic labourers into the Transvaal.

2. I am to request you to inform Lord Lansdowne that the substance of this note is being communicated by telegraph to the Governor of the Transvaal, and that it would appear that there should be no difficulty in framing Regulations under the Ordinance as passed by the Legislative Council which will satisfy the objects and requirements of the Chinese Government, which seem to be reasonable and calculated to promote the success of the immigration.

3. I am therefore to suggest that the Conference referred to in your letter as being the best means of drawing up the proposed Regulations should meet at the Foreign Office at the earliest possible date. A further communication will shortly be addressed to you as to the representative of this Department at that Conference.

I am, &c.

(Signed) M. F. OMMANNEY.

AFRICA. No. 3 (1904).

CORRESPONDENCE respecting the Introduction of Chinese Labour into the Transvaal.

Presented to both Houses of Parliament by Command of His Majesty. February 1904.

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AFRICA. No. 4 (1904).

CORRESPONDENCE

RELATING TO THE

RECRUITMENT OF LABOUR

IN THE

BRITISH CENTRAL AFRICA PROTECTORATE

FOR

EMPLOYMENT IN THE TRANSVAAL.

[In continuation of "Africa No. 2 (1903)."]

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March 1904.

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14	To Mr. C. Knipe ..	..	1,	Condition of natives recruited for Transvaal mines. Thanks for No. 10. It has been decided, in consultation with Lord Milner, to instruct His Majesty's Commissioner in British Central Africa to give every assistance to further recruiting in the Protectorate up to 5,000 in beginning of 1904. He should be in readiness to leave for Johannesburg to make arrangements for reception of new contingent	2
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Correspondence relating to the Recruitment of Labour in the British Central Africa Protectorate for Employment in the Transvaal.

[In continuation of "Africa No. 2 (1903)."]

No. 1.

Commissioner Sharpe to the Marquess of Lansdowne.—(*Received March* 12.)*

(Telegraphic.) *Zomba, March* 11, 1903.

OWING to want of rain, famine at Ruo and Lower Shiré districts, probably about 20,000 people suffering from want of food and require assistance. Are we to endeavour to arrange for Railway Company to employ men and feed families of men at once?

Failing this, question arises whether to grant permission to men to go down to South Africa for work. It might be considered, provided that Transvaal Labour Agent, as well as paying proper wages, feeds families of labourers here, which he is willing to do.

Major Pearce will telegraph as soon as possible.

No. 2.

*The Marquess of Lansdowne to Commissioner Sharpe.**

(Telegraphic.) *Foreign Office, March* 19, 1903.

HIS Majesty's Government, in view of the famine reported in your telegram of the 11th instant, agree to your proposal that labourers should go with Transvaal Agent. Number should not exceed 1,000. You will, of course, insist upon strict precautions.

The prospect of an early demand for railway labour seems remote.

No. 3.

*The Marquess of Lansdowne to Commissioner Sharpe.**

(Telegraphic.) *Foreign Office, March* 23, 1903.

MY telegram of 19th instant.

The only district in which the labourers shall be employed is the Witwatersrand district of the Transvaal.

They shall be engaged under the terms of the Native Labour Regulations of the British Central Africa Protectorate No. 1 of 1898, and on arrival in Transvaal shall be under protection of Transvaal Proclamations Nos. 37 and 38 of 1901, with addition of other conditions to be observed by Native Labour Associations and by mining employers, amongst which are the following:—

(*a.*) Each distinct tribe of natives in the barracks on the mines shall be housed separately;

* Already published in "Africa, No. 2 (1903)."

(*b.*) Natives shall be provided with food, and with hospital accommodation when ill, without charge;

(*c.*) No regulation shall be made binding a native to stay in the barracks after he has finished his day's work;

(*d.*) Every precaution shall be taken to prevent the natives from purchasing intoxicating liquor;

(*e.*) Each native, before beginning to work shall be brought up before the Commissioner of Affairs, or one of his staff, and shall have thoroughly explained to him his work, his wages, and the term of his employment;

(*f.*) No deduction shall be made from the pay of the natives;

(*g.*) Each different tribe shall be accompanied by a Chief or Headman, who shall receive pay for looking after the natives, and shall bring to the mine manager any complaints;

(*h.*) The Native Labour Association shall provide, at their own cost for the conveyance of the natives from their home to Johannesburg, and back again at the conclusion of the natives' engagement. This provision shall include suitable steamer and railway accommodation, and shall be made to the satisfaction of the Protectorate Government before the natives are allowed to start, and to that of the Transvaal Government before they leave Johannesburg on their return journey;

(*i.*) Not more than 5 per cent. of the natives shall be required to work on Sundays, and the majority shall be allowed to cease work at 2 o'clock on Saturdays;

(*j.*) Arrangements shall be made whereby a portion of the wages earned by the natives during their term of service shall be held back, and shall be paid to them at or near their homes on their return, and this condition shall be embodied in the agreement with the labourers;

(*k.*) The agreement with the natives shall be, in the first instance, for one clear year's service on the mines, independent of the time occupied in going there and coming back;

(*l.*) The Protectorate shall have the right at any time of sending an agent, at the expense of the Native Labour Association, to visit the mines. Such agent shall have free access to all Protectorate labourers. *End of conditions.*

Report briefly by telegraph and fully by despatch measures taken.

No. 4.

Acting Commissioner Pearce to the Marquess of Lansdowne.—(*Received June* 10.)

My Lord, *The Residency, Zomba, April* 29, 1903.

I HAVE the honour to acknowledge the receipt of your Lordship's instructions, contained in your telegram of the 23rd ultimo, relative to the forwarding by mail of a Report concerning the details connected with the sanctioned emigration of 1,000 labourers for work in the Transvaal Colony.

Your Lordship will already have learned, from my various telegrams on the subject,* the general scope of the conditions and proposals which I formulated. Although matters are not entirely settled in connection with the movement, so as not to delay further I take this opportunity of informing your Lordship as to how the subject of emigration stands at present.

The responsible agent, representing the Witwatersrand Native Labour Association, has not yet returned to the country, and there are one or two minor points which will have to be settled on his arrival. He is expected in about three weeks.

When Mr. Sharpe left Chinde, in company with the Transvaal Agent, Mr. Sharpe instructed me to allow recruiting to commence on behalf of the Association. This I did, and as it was necessary to formulate conditions of service, and as prior to Mr. Sharpe's and the Labour Agent's departure it was fully understood that the Association would agree to any conditions which I might consider necessary, I drew out the various Forms which I have the honour to inclose for your Lordship's information (the substance of which I have already telegraphed your Lordship), and concerning which I have been duly notified by telegraph of your Lordship's approval.

I was not aware at the time of Mr. Sharpe's departure that he intended to make arrangements in Johannesburg, and consequently recruiting, under the conditions

* See "Africa No 2 1903)."

formulated by me and approved by your Lordship, had been taking place for some weeks, when I received notification from Mr. Sharpe from Johannesburg that he had arranged all matters with the Labour Association there. As it appeared from the telegraphic summary of these conditions that many were not fully in accordance with the conditions laid down by your Lordship in your telegram of the 23rd ultimo, I was in some doubt as to whether to continue the recruiting under the conditions as laid down by myself and approved by your Lordship, or to disband the labourers already engaged under those conditions, and to restart recruiting under the conditions as formulated by Mr. Sharpe in Johannesburg.

On communication with the Witwatersrand Native Labour Association on this point, they replied that rather than disband the labourers already engaged they would be willing to agree to the terms as laid down by myself, so pending the arrival of the Labour Agent the engagement of the men is now proceeding on the conditions as laid down in the inclosed Forms.

With regard to the Forms inclosed:—

Form (C), as will be seen, is a Certificate of Agreement which constitutes the actual document by which a native is engaged. Each native is separately brought before a Magistrate, who satisfies himself that the native has voluntarily agreed to work in the Transvaal, and that he thoroughly understands the nature and terms of the contract he has entered into. Each native has to answer separately, and in an audible tone, to the effect that he understands, and that he is volunteering of his own free will; he at the same time states the name of the person to whom he wishes the family sustenance allowance to be paid monthly during his absence. This is duly entered by the Magistrate in the space provided in Form (C), a copy of the Certificate of Engagement is given to the employer, and one to the native, and the original is retained by the Government official. The native is then considered to be duly engaged, and his welfare, accommodation, and food is looked to by the Labour Association under the supervision of the Protectorate Administration.

At the time the Certificate of Agreement is completed the native volunteer is also given a sustenance allowance identification ticket. This is for the payment of the monthly family allowance to his family, which is paid by the Association. It is signed by the District Collector, and will be duly presented every month to the District Collector for the payment of the monthly allowance to the person whom the native, on engagement, nominates to receive it.

Form (D).—When the whole 1,000 men have been duly enlisted on Form (C), the employer will prepare in quadruplicate Form (D). Ten names will be entered on each sheet. This he will bring to the Magistrate at Chiromo, and before the natives are permitted to leave for Chinde they will be inspected, and the provision for their transport to Chinde must be such as to satisfy the Magistrate so that he may sign the certificate on the back of Form (D).

All requirements having been duly carried out, the labourers will be permitted to embark for Chinde, under the care of an Administration official, or a European approved of by myself, where the Vice-Consul will, after inspection, &c., complete the second certificate on the back of the Form.

The other certificates are for use on the homeward journey, and explain themselves. I propose to forward a copy of Form (D) direct to the Governor of the Transvaal Colony, so that he may have an authorized list of the British Central Africa natives who proceed to that Colony.

I also have the honour to inclose the bond by which the Witwatersrand Native Labour Association binds itself in varying amounts to this Administration for the proper carrying out of the conditions, which will be embodied in a document drawn out by the Chief Judicial Officer of this Protectorate, and which will contain the conditions of service now printed on the back of Form (C), in fuller form and in legal phraseology. These conditions, it will be observed, include those which your Lordship communicated to me by telegram.

As regards Condition 11, it will be noted that I have stipulated for a half-holiday on one week-day, and no work on Sunday. This is in accordance with the practice observed in this Protectorate.

It would appear, however, that the universal custom in the Transvaal Colony for labour in the gold-fields is payment for each day worked, the half-day worked on Saturday receiving a whole day's pay,

It would, therefore, appear that to obtain 30*s.* a-month, the native would have to work thirty days, with a half-holiday on Saturdays. I am not yet aware what Mr. Sharpe arranged on this point while in Johannesburg, as the time has not elapsed

for me to receive his written despatches, but unless it is desired that the experimental party from British Central Africa shall be on an entirely different footing as regards the system of payment and reckoning of same, some amendment will be necessary in Condition 11.

This outstanding matter I will settle with the Labour Agent, who is now coming to the Protectorate to arrange final details, and I will in due course inform your Lordship of the result of our interview,* so that your Lordship's approval may be obtained to any proposed alteration.

I have also arranged for the Native Labour Association to render monthly a return to the Commissoner of this Protectorate, detailing any casualties or sickness which, during the previous month, may have occurred amongst the natives from British Central Africa.

This measure will, I anticipate, keep an excellent check on those who volunteer, and their families will be able to obtain information through the District Collectors from time to time as to the welfare of their relatives who have gone to South Africa.

To recapitulate matters:—

On reaching Chinde, Mr. Sharpe instructed me to allow recruiting to commence on behalf of the Labour Association of Johannesburg. As it was no use enlisting men without definite conditions of service, and as, prior to Mr. Sharpe's and the Labour Agent's departure from the Protectorate, the latter had given a full assurance that all conditions would be at once agreed to, I formulated the conditions and drew out the forms, which I telegraphed to your Lordship, and which I had printed, and draft copies of which I have now the honour to inclose for your Lordship's inspection.

I was unaware that Mr. Sharpe intended whilst at Johannesburg to arrange matters, and the first intimation of this I received was a telegram from him stating that he had made all arrangements in Johannesburg.

These conditions were forwarded by telegram from Johannesburg, a copy of which I now inclose. As these conditions of service were not totally in accordance with your Lordship's instructions, I communicated, as I have already mentioned above, with the Native Labour Association, and they have replied to the effect that as men have already been engaged for them, it would appear better that the experimental party should be be engaged under the conditions formulated by myself.

I have, &c.

(Signed) F. B. PEARCE, *Major*,
His Majesty's Acting Commissioner.

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* See No. 6.

Inclosure 1 in No. 4.

Form C. [Royal Arms.] No. .....

BRITISH CENTRAL AFRICA PROTECTORATE.

Certificate of Agreement for Service in the Witwatersrand District of the Transvaal Colony.

I HEREBY CERTIFY that the undermentioned native has appeared before me, and has satisfied me that he has voluntarily agreed to work for one year for the Witwatersrand Native Labour Association, in the Witwatersrand District of the Transvaal Colony, on the conditions indorsed hereon, and that he thoroughly understands the nature and terms of the Contract he has entered into.

Name.....

Tribe.....

Village.....

District.....

And that he desires a sustenance allowance to be paid monthly to the undermentioned relative during his absence from British Central Africa.

Name.....

Tribe.....

Village.....

District.....

Stamp
1/

.....Magistrate.

Dated.....at .....

Triplicate to be given to Employer.

[On back of Form C.]

CONDITIONS OF SERVICE.

1. Employé undertakes to work for one year in the Witwatersrand District of the Transvaal Colony in such place and manner as the Native Labour Association shall direct. The period of service shall date from arrival at the Transvaal Colony frontier.

2. Wages shall be paid at the rate of not less than 30*s.* per month without deductions for any cause, of which one-fourth shall be paid direct to the employé while serving in the Transvaal, and three-fourths at Blantyre or Chiromo on return to British Central Africa on completion of term of service. In case of death or non-completion of term of service without default of employé, wages shall be paid to the employé or his heirs *pro rata* through the British Central Africa Administration.

3. A sustenance allowance shall be deposited in advance by the Association with the British Central Africa Administration for distribution monthly to the relatives of employé. The rate of the same shall be fixed by the Administration.

4. A hut tax of 6*s.* shall be paid in advance by the Association to the Administration on behalf of employé.

5. No deductions shall be made from wages of employé on foot of (3) and (4).

6. Free rations of the standard quantity and quality usual in the Transvaal Colony shall be issued to employé during engagement, inclusive of period of journey to and from the Transvaal Colony.

7. Employé shall be entitled to free medical attendance and hospital accommodation.

8. Employé shall be entitled to receive free of charge such clothing and blankets as may be necessary from time to time.

9. The passage of employé, and all expenses connected therewith, by steamer and rail to the Witwatersrand District of the Transvaal Colony and back to that part of British Central Africa in which he was engaged, shall be defrayed by the Association. In case employé is invalided on medical certificate before expiration of engagement the Association also undertakes to provide a return passage free of charge.

10. Separate quarters shall be provided by the Association for each tribe of workers at the mines.

11. Employé shall not be compelled to work on Sunday, and shall further be entitled to a half-holiday weekly.

12. Complaints may be made through the Headman accompanying each tribe of labourers from British Central Africa.

13. The Association undertakes to observe the Native Labour Regulations in force in British Central Africa from time to time, and such Laws or Regulations as may be in force from time to time in the Transvaal Colony relative to the immigration and employment of native labour.

Inclosure 2 in No. 4.

SUSTENANCE ALLOWANCE IDENTIFICATION TICKET.

[To be presented by the native when claiming payment.]

Amount payable monthly.....*shillings.*

From.....190.....*to*.....190.....

	Payable to	On behalf of
Name		
Tribe		
Village		
District		

Who has engaged for one year's work under Certificate of Agreement No......

.....*District.* .....*Collector.*

[On back of Ticket.]

	Amount paid	Paid by
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Form D.

Inclosure 3 in No. 4.

List of Native Labourers

Engaged in British Central Africa under Permit No.....on behalf of the Witwatersrand Native Labour Association, Johannesburg, for one year's work in the Witwatersrand District of the Transvaal Colony.

Consecutive Number.†	Name.†	District in which engaged.†	No. of Certificate of Agreement (Form C).†	Statement of Reasons for non-return.	Outward Journey.		Return Journey.		Remarks.
					Date of Departure from Chinde.*	Date of Arrival in the Transvaal Colony.	Date of Arrival at Chinde.*	Date of Arrival at Chiromo §	
						I certify that the.....men herein mentioned arrived in the Transvaal Colony on the.....day of and commenced work on the.....day of .... Commissioner for Native Affairs			

Four copies of this form to be prepared by the Employer :—One copy to be retained by Vice-Consul and Agent, Chinde.
" " " Employer.
" " " Supervisor of Native Affairs.
" " sent by Vice-Consul, Chinde, to H.M. Commissioner, Zomba, on embarkation of natives at Chinde.

† To be filled in by Vice-Consul and Agent, Chinde.

* To be filled in by Employer.

§ To be filled in by Magistrate or Supervisor of Native Affairs.

[On back of Form D.]

OUTWARD JOURNEY.

I HEREBY CERTIFY that.....men mentioned on the Schedule overleaf have appeared before me, and I am satisfied that they have been recruited in accordance with the requirements of the B. C. A. Administration, and that proper provision in accordance with the said requirements has been made for their transport to Chinde.

Chiromo, the.....day of

.....

.....
Magistrate, or Supervisor
of Native Affairs.

I HEREBY CERTIFY that the men mentioned on the Schedule overleaf have appeared before me, and I am satisfied that proper provision has been made in accordance with the requirements of the British Central Africa Administration for their accommodation at Chinde and on the steamship.....
leaving Chinde on the.....day of.....
for their transport to .....

Chinde, the.....day of

.....

.....
British Vice-Consul and
Agent of the B. C. A. A.

HOMEWARD JOURNEY.

I HEREBY CERTIFY that the men mentioned on the Schedule overleaf (with exceptions noted in special column overleaf) arrived at Chinde on their return journey by the steamship ....., and that proper provision was then provided in accordance with the requirements of the B. C. A. Administration, and I have satisfied myself that proper provision for their journey to Chiromo has been provided in accordance with the said requirements.

Chinde, the.....day of

.....

.....
British Vice-Consul and
Agent of the B. C. A. A.

I HEREBY CERTIFY that the men mentioned on the Schedule overleaf (with exceptions noted in the special column overleaf) arrived at Chiromo on their return journey, and that each man is in possession of a Money Order for the correct balance of pay due to him, and that I have inquired of each man personally if he has any complaint as to his treatment while away, and that each states he is satisfied (or otherwise).

Chiromo, the.....day of

.....

.....
Magistrate, or Supervisor
of Native Affairs.

Inclosure 4 in No. 4.

Commissioner Sharpe to Acting Commissioner Pearce.

(Telegraphic.) *Johannesburg, April* 13, 1903.

ALL arrangements made with respect to 1,000 natives. Terms of contract as agreed upon will be telegraphed to you direct by Labour Association. They are, briefly, 14*d.* a-day, 6*d.* deferred pay, to be paid in lump sum on their return to British Central Africa. Suitable food and housing will be provided. Association undertakes to bear all expenses of repatriation at end of twelve months, which is to be reckoned from arrival here. It is possible Nourse may return at once to bring down 1,000. If not, Association will probably ask Martin, of Flotilla Company, to act as their agent for dispatch of 1,000 men. He will be authorized by telegraph to sign contracts, and to make such arrangements as you think necessary for clothing and food of natives on voyage. I approve of above, and hope you will facilitate matters. Transvaal Government responsible for treatment of natives here. Am writing fully.

Foreign Office have suggested sending down Protectorate official to report on statement of natives. Association will bear expenses. Suggest Knipe be sent. I have arranged extra pay for him while here.

Inclosure 5 in No. 4.

Labour Emigration Bond.

WHEREAS His Majesty's Commissioner and Consul-General of the British Central Africa Protectorate, by virtue of the powers in him vested, has, upon the conditions of recruiting indorsed hereon, permitted the Witwatersrand Native Labour Association of Johannesburg, Transvaal Colony, to recruit natives of the British Central Africa Protectorate in the districts of , to the total number of 1,000, for service as labourers for one year in the Witwatersrand District of the Transvaal Colony, upon the conditions of service indorsed hereon, the total number of such natives in the district of not to exceed , and in the district of not to exceed ;

And whereas His Majesty's Commissioner and Consul-General has permitted the said Association to employ, for the purpose of such recruiting, one principal agent in the British Central Africa Protectorate and two sub-agents, the said agent and sub-agents to be subject to the approval of His Majesty's Commissioner and Consul-General.

Know all men by these presents that we, the Witwatersrand Native Labour Association of Johannesburg, Transvaal Colony, by , our lawful attorney, pursuant to the power of attorney attached hereto, and dated at , the day of , and registered at His Britannic Majesty's Vice-Consulate, Blantyre, British Central Africa, on the day of , registered No. , are held and firmly bound to His Majesty's Commissioner and Consul-General of the British Central Africa Protectorate in the respective sums of (1) 5,000*l.*, (2) 2,000*l.*, and (3) 1,000*l.*, to be paid to His Majesty's Commissioner and Consul-General, and upon the respective conditions hereinafter specified.

Sealed with our seal.

Dated at , this day of , in the year .

Witnesses :

Now the condition of the above-written bond is such that if the said Witwatersrand Native Labour Association shall duly comply with the conditions of recruiting indorsed hereon, and shall duly comply with the Native Labour Regulations or Ordinances now or hereafter in force in the British Central Africa Protectorate, and shall comply with such further Ordinances, Regulations, or Rules as may from time to time be made by His Majesty's Commissioner and Consul-General for the proper

control and supervision of the recruiting of native labourers in the Protectorate, and shall duly fulfil the conditions of service towards each and every native of the Protectorate recruited by them under the present permit to recruit 1,000 labourers, then the above-written bond shall be void as regards the sum of 5,000*l.* above written, but no further, otherwise the same shall remain in full force and value.

And the further condition of the above-written bond is such that if the principal agent of the Witwatersrand Native Labour Association, in the Protectorate aforesaid, shall from time to time, and at all times hereafter, so long as he shall hold the said office of principal agent for the purpose of recruiting the 1,000 natives of the Protectorate above-mentioned, duly comply with the conditions of recruiting indorsed hereon, and shall duly comply with the Native Labour Regulations or Ordinances now or hereafter in force in the British Central Africa Protectorate, and shall duly comply with such further Ordinances, Regulations, or Rules as may from time to time be made by His Majesty's Commissioner and Consul-General for the proper control of the recruiting of native labourers in the Protectorate, then the above-written bond shall be void as regards the sum of 2,000*l.* above written, but no further, otherwise the same shall remain in full force and value.

And the further condition of the above-written bond is such that if the sub-agents of the Witwatersrand Native Labour Association in the Protectorate shall respectively from time to time, and at all times hereafter, so long as they shall hold the said office of sub-agents for the purpose of recruiting the 1,000 natives of the Protectorate above-mentioned, duly comply with the conditions of recruiting indorsed hereon, and shall duly comply with the Native Labour Regulations or Ordinances now or hereafter in force in the British Central Africa Protectorate, and shall duly comply with such further Ordinances, Regulations, or Rules as may from time to time be made by His Majesty's Commissioner and Consul-General for the proper control of the recruiting of native labourers in the Protectorate, then the above-written bond shall be void as regards the sum of 1,000*l.* above written, but no further, otherwise the same shall remain in full force and value.

Inclosure 6 in No. 4.

Rand Labour Association to Acting Commissioner Pearce.

(Extract.)
(Telegraphic.) *Johannesburg, April* 16, 1903.

IN accordance with views expressed by Mr. Sharpe, we suggest following form of contract to be entered into by natives recruited for mines:—

"1. Undermentioned natives contract to work on gold mines of Transvaal for one year dating from arrival at mines.

"2. Labour Association undertakes to provide natives with work on mines at minimum wage of 1*s.* 2*d.* per day worked. Of this pay, 8*d.* per day shall be deferred pay, and shall be paid to natives after expiration of contract and return, at Chiromo or such other suitable place as may be agreed on.

"3. Association undertakes that natives shall be provided while on the mines with suitable and sufficient shelter and food at expense of employer.

"4. Association undertakes to convey natives to mines free of cost, providing them with suitable food and clothing for journey, to satisfaction of officer appointed by Administration.

"5. Association undertakes to repatriate natives free of cost on expiration of contracts, bearing all expenses of journey to Chiromo or such other place. We propose to appoint as agent some one in the country, and to authorize him to sign above contracts on our behalf. We will also put funds at his disposal, and authorize him to give security for recruiters if required, and to make all arrangements for journey of natives in accordance with requirements of Administration. Sharpe suggested Knipe should be appointed Government official to supervise emigration of natives, and accompany them here, we bearing his travelling expenses and paying him living allowance of 2*l.* 2*s.* per day.

"6. Association undertakes to advance on behalf of every contracted native hut tax for one year, at rate of 6*s.*, this amount to be recoverable from deferred pay."

Suggest above contract should be read over and explained to natives by Magistrate, and their names and districts be fixed by him or in his presence. It will be signed on behalf of Association by agent, either Nourse or another, who would then make

arrangements with regard to journey of natives here. Please wire whether above meets your views. Will wire you in two or three days whether Nourse is returning. If not, we propose to ask Martin to act for us.

No. 5.

Foreign Office to Acting Commissioner Pearce.

Foreign Office, July 11, 1903.

Sir,

WITH reference to your despatch of the 29th April last, concerning the details connected with the sanctioned emigration of 1,000 labourers from the British Central Africa Protectorate for work in the Transvaal Colony, I am directed by the Marquess of Lansdowne to approve the action taken by you in the matter.

I am, &c.

(Signed) CLEMENT Ll. HILL.

No. 6.

Acting Commissioner Pearce to the Marquess of Lansdowne.—(Received August 4.)

The Residency, Zomba, June 13, 1903.

My Lord,

I HAVE the honour to inform your Lordship that the first detachment of 380 men left Chinde on the 10th June for Johannesburg in charge of Mr. E. B. Vertue, third Assistant.

I had hoped that the whole 1,000 men forming the experimental party could have proceeded together, but I found that steamer accommodation for the whole number was not available, so rather than delay the dispatch of those who were ready to proceed, I permitted the 380 men above referred to leaving the Protectorate.

Mr. Nourse, the representative of the Witwatersrand Native Labour Association (Limited), has reached the Protectorate, and I have now settled all outstanding points with this gentleman, satisfactorily I think to all parties.

I now have the honour to forward for your Lordship's inspection a specimen of the revised forms used in connection with the enlistment and engagement of men under the emigration scheme. These forms are to all intents and purposes the same as those I have already forwarded together with my despatch of the 29th April, the only important difference being that the pay has been increased from 30*s.* to 40*s.* per month, together with 5*s.* sustenance allowance to families instead of 4*s.* This increase of pay was made at the instance of the Native Labour Association, as it appears that wages have been increased in South Africa. I naturally accepted the amendment in favour of the native. I have arranged that one-third of the pay of the men shall be paid to them while in Johannesburg, and two-thirds shall be forwarded monthly to the Treasurer of the Protectorate, together with a list of men giving their separate accounts. The 5*s.* sustenance allowance will be paid through the district Collectors to the men's relatives.

Mr. E. B. Vertue, who is proceeding, as I have already stated, with the first party, was about to depart for England on leave of absence. He has now received instructions to proceed with the men to Johannesburg, where he will see them comfortably settled, and be able to arrange any necessary details regarding their welfare before he leaves for England.

The balance of 620 men, I hope, will leave the Protectorate before the end of this month, and I intend to send with them to Johannesburg Mr. C. Knipe, third Assistant, who will receive instructions to report as to the welfare of the first detachment, and will represent to me any complaints that the men may have or any wishes they may express.

I would here mention that the recruitment of these labourers has been supervised from the first by Mr. J. C. Casson, the Acting Supervisor of Native Affairs, and I would remark that the creation of this post has proved invaluable, and it has been a great satisfaction to me to know that the recruitment of labour and the explaining of conditions to those engaged has been thoroughly and well supervised by a competent Protectorate official. The Supervisor of Native Affairs has also thoroughly inspected the accommodation for the men's transit to Chinde, and there is no doubt that the

dispatch of the men and their welfare has been greatly facilitated by having an official especially appointed who can give his whole time to the many necessary details connected with the movement.

I take this opportunity of informing your Lordship that the Native Labour Association has met my views in every possible way, and they have willingly accepted the stringent conditions which I have formulated, and they have expressed their readiness to conform in every way to all requirements to insure the physical and moral welfare of the natives from this Protectorate, and I feel certain that the natives will be thoroughly well treated and looked after.

I have, &c.
(Signed) F. B. PEARCE, *Major.*

Inclosure in No. 6.

Labour Emigration Bond.

WHEREAS His Majesty's Commissioner and Consul-General of the British Central Africa Protectorate, by virtue of the Powers in him vested, has upon the conditions of recruiting indorsed hereon, permitted the Witwatersrand Native Labour Association of Johannesburg, Transvaal Colony, to recruit natives of the British Central Africa Protectorate in the districts of Lower Shiré and West Nyassa to the total number of 1,000, for service as labourers for one year in the Witwatersrand district of the Transvaal Colony, upon the conditions of service indorsed hereon, the total number of such natives in the district of Lower Shiré not to exceed 750, and in the district of West Nyassa not to exceed 500.

And whereas His Majesty's Commissioner and Consul-General has permitted the said Association to employ for the purpose of such recruiting one Principal Agent in the British Central Africa Protectorate and two Sub-Agents, the said Agent and Sub-Agents to be subject to the approval of His Majesty's Commissioner and Consul-General.

Know all men by these presents that we, the Witwatersrand Native Labour Association, of Johannesburg, Transvaal Colony, by Cracroft Nourse, our lawful Attorney, pursuant to the Power of Attorney attached hereto, and dated at Johannesburg, the 21st day of March, 1903, and registered at His Britannic Majesty's Vice-Consulate Blantyre, British Central Africa, on the 1st day of June, 1903, Registered No. ....., are held and firmly bound to His Majesty's Commissioner and Consul-General of the British Central Africa Protectorate, in the respective sums of—

1. 10,000*l.*;
2. 2,000*l.*; and
3. 1,000*l.*,

to be paid to His Majesty's Commissioner and Consul-General, and upon the respective conditions hereinafter specified.

Sealed with our seal.

(For the Witwatersrand Native Labour Association),
(Signed) CRACROFT NOURSE.

(Seal.)

Dated at Blantyre, British Central Africa Protectorate, this 1st day of June, in the year 1903.

(Seal.)

Signed and sealed in my presence at Blantyre, British Central Africa, this 1st day of June, 1903.

(Signed) JOSEPH J. NUNAN,
His Majesty's Judge, High Court of British Central Africa, and His Britannic Majesty's Vice-Consul.

Now, the conditions of the above-written bond are such that if the said Witwatersrand Native Labour Association shall duly comply with the conditions of recruiting indorsed hereon, and shall duly comply with the Native Labour Regulations or Ordinances now or hereafter in force in the British Central Africa Protectorate, and shall duly comply with such further Ordinances, Regulations, or Rules as may from time to time be made by His Majesty's Commissioner and Consul-General for the proper control and supervision of the recruiting of native labourers in the Protectorate, and shall duly fulfil the conditions of service towards each and every native of the Protectorate recruited by them, under the present permit to recruit 1,000 labourers, then the above-written bond shall be void as regards the sum of 10,000*l.* above written but no further, otherwise the same shall remain in full force and value;

And the further condition of the above-written bond is such that if the principal agent of the Witwatersrand Native Labour Association in the Protectorate aforesaid shall from time to time and at all times hereafter, so long as he shall hold the said office of principal agent for the purpose of recruiting the 1,000 natives of the Protectorate above-mentioned, duly comply with the conditions of recruiting indorsed hereon, and shall duly comply with the Native Labour Regulations or Ordinances now or hereafter in force in the British Central Africa Protectorate, and shall duly comply with such further Ordinances, Regulations, or Rules as may from time to time be made by His Majesty's Commissioner and Consul-General for the proper control of the recruiting of native labourers in the Protectorate, then the above-written bond shall be void as regards the sum of 2,000*l.* above written but no further, otherwise the same shall remain in full force and value;

And the further condition of the above-written bond is such that if the sub-agents of the Witwatersrand Native Labour Association in the Protectorate shall respectively from time to time and at all times hereafter, so long as they shall hold the said office of sub-agents for the purpose of recruiting the 1,000 natives of the Protectorate above-mentioned, duly comply with the conditions of recruiting indorsed hereon, and shall duly comply with the Native Labour Regulations or Ordinances now or hereafter in force in the British Central Africa Protectorate, and shall duly comply with such further Ordinances, Regulations, or Rules as may from time to time be made by His Majesty's Commissioner and Consul-General for the proper control of the recruiting of native labourers in the Protectorate, then the above-written bond shall be void as regards the sum of 1,000*l.* above written but no further, otherwise the same shall remain in full force and value.

Indorsements.

Conditions of Recruiting.

1. Every native volunteering for service shall be brought by the principal or other agent of the Witwatersrand Native Labour Association before the Magistrate of the district in which he has been recruited, who shall thoroughly explain to him the nature of the work required, and the conditions of service indorsed upon the Certificate of Agreement (Form C). The native must then state in an audible tone that he understands the nature of the work required and the conditions of service, and that he is prepared to proceed to Johannesburg for service for one year in the employment of the Native Labour Association upon the said conditions. The Certificate of Agreement (Form C) in triplicate shall then be stamped, signed, and issued by the Magistrate. One copy, bearing a 1*s.* stamp, shall be given to the agent, another copy shall be given to the native, and the third shall be forwarded to the Supervisor of Native Affairs.

2. The principal or other agent shall prepare in quadruplicate lists of all natives in respect of whom Certificates of Agreement have been issued, and before any such natives are allowed to leave the Protectorate the signature of the Supervisor of Native Affairs, or in his absence of the Magistrate at Chiromo, must be affixed to the said lists, with a certificate stating that he is satisfied the conditions herein set forth have so far been complied with. Upon arrival at Chinde the principal or other agent shall produce the lists signed at Chiromo to the agent of the Protectorate, who shall upon satisfying himself that the conditions herein set forth have so far been complied with, sign the lists,

and allow the natives to embark on ocean steamer. The four signed copies of the list shall be disposed of as follows:—

One copy shall be retained by the agent of the Protectorate at Chinde;
One copy shall be forwarded to His Majesty's Commissioner and Consul-General;
One copy shall be forwarded to the Supervisor of Native Affairs;
One copy shall be retained by the agent accompanying the labourers.

3. No native shall be recruited under compulsion. Any native found to have been so recruited shall be released from his contract by the Magistrate at Chiromo, or by any other Protectorate Magistrate, or may be detained by any Protectorate official pending inquiry by such Magistrate, and legal proceedings on the Labour Emigration Bond or otherwise shall be taken against the offender. An appeal shall lie to the High Court of the Protectorate in all cases.

4. Natives shall be recruited for work in the Witwatersrand District of the Transvaal Colony only.

5. In the event of the death of any native during his period of service, any balance of pay due to him shall be paid to His Majesty's Commissioner and Consul-General for the benefit of his relatives. Any money in the possession of the deceased, and the proceeds of the sale of his effects, shall be transmitted in like manner.

6. All recruiting and emigration of labour in the British Central Africa Protectorate shall be subject to "The Native Labour Regulations, 1895," and to "The Native Labour Regulations, 1898," and to such other Native Labour Regulations or Ordinances as may be in force in the Protectorate from time to time, and also to such laws and Regulations as may be in force in the Transvaal Colony from time to time relative to the immigration and employment of native labour.

7. Every precaution shall be taken to prevent natives from purchasing intoxicating liquor during their period of service.

8. On arrival at Johannesburg each native before beginning work shall be brought before the Commissioner for Native Affairs or one of his staff, and shall have clearly explained to him the nature of his work, the amount of his wages, and the duration of his term of employment.

9. The members of each tribe shall be accompanied by a Chief or Headman who shall receive suitable pay for looking after the natives, and shall bring to the mine manager or other authority any complaints. Such Chiefs or Headmen shall not be required to labour in the mines.

10. The Witwatersrand Native Labour Association shall provide for the conveyance of the natives from their homes to Johannesburg and back again at the conclusion of the period of service. This provision shall include suitable steamer and railway accommodation, and shall be made to the satisfaction of the Protectorate Government before the natives are allowed to leave the Protectorate, and to the satisfaction of the Transvaal Government before they leave Johannesburg on their return journey.

11. Each native shall be paid at the rate of not less than 45*s*. per month of thirty days. One-third only of such wages shall be paid to him in the Transvaal Colony. The remaining two-thirds shall be paid to him on his return to the British Central Africa Protectorate by money order or otherwise as the Protectorate Government shall direct. A monthly sustenance allowance for the family of each native, and the payment of any hut tax or hut taxes due by him may be provided for by the Protectorate Government out of any wages so deferred.

12. A monthly statement shall be rendered by the Witwatersrand Native Labour Association to His Majesty's Commissioner, Zomba, of all British Central Africa natives who have been taken to the Transvaal for work, showing deaths and casualties.

Conditions of Service.

1. Employé undertakes to work for one year in the Witwatersrand district of the Transvaal Colony in such place and manner as the Native Labour Association shall direct. The period of service shall date from arrival at Johannesburg.

2. Wages shall be paid at the rate of not less than 45*s*. per month without deductions for any cause, of which one-third shall be paid direct to the employé while serving in he Transvaal, and two-thirds at Blantyre or Chiromo on return to British Central Africa n completion of term of service. In case of death or of non-completion of term of service

without default of employé, wages shall be paid to the employé or his heirs *pro rata* through the British Central Africa Administration.

3. Free rations of the standard quantity and quality usual in the Transvaal Colony shall be issued to employé during engagement, inclusive of period of journey to and from the Transvaal Colony.

4. Employé shall be entitled to free medical attendance and hospital accommodation.

5. Employé shall be entitled to receive free of charge such clothing and blankets as may be necessary from time to time.

6. The passage of employé and all expenses connected therewith by steamer and rail to the Witwatersrand district of the Transvaal Colony and back to that part of British Central Africa in which he was engaged shall be defrayed by the Association. In case employé is invalided on medical certificate before expiration of engagement, the Association also undertakes to provide a return passage free of charge.

7. Separate quarters shall be provided by the Association for each tribe of workers at the mines.

8. Employé shall not be compelled to work on Sunday, and shall further be entitled to a half-holiday weekly.

9. Complaints may be made through the Headmen accompanying each tribe of labourers from British Central Africa.

10. The Association undertakes to observe the Native Labour Regulations or Ordinances in force in British Central Africa from time to time, and such laws or Regulations as may be in force from time to time in the Transvaal Colony relative to the immigration and employment of native labour.

No. 7.

Foreign Office to Acting Commissioner Pearce.

Foreign Office, August 15, 1903.

Sir,

WITH reference to your despatch of the 13th June last, on the subject of the recruitment of labour for the Transvaal, I am directed by the Marquess of Lansdowne to approve the arrangements made, and to express his Lordship's gratification at the testimony borne to the valuable work done by Mr. Casson as Superintendent of Native Affairs.

I am, &c.

(Signed) CLEMENT Ll. HILL.

No. 8.

Colonial Office to Foreign Office.—(*Received August* 19.)

THE Under-Secretary of State for the Colonies presents his compliments to the Under-Secretary of State for Foreign Affairs, and is directed by the Secretary of State to transmit, for the information of the Marquess of Lansdowne, a copy of a despatch from the Governor of the Transvaal on the subject of the mortality among natives recruited for the Rand mines.

Downing Street, August 18, 1903.

Inclosure 1 in No. 8.

Governor Lord Milner to Mr. Chamberlain.

Governor's Office, Johannesburg, July 17, 1903.

Sir,

I HAVE the honour to inform you that the Commissioner for Native Affairs has made arrangements for keeping a complete record of the sickness and mortality amongst the native labourers recruited for the Rand Mines in British Central Africa.

A register is now being kept in which the following particulars are being recorded:—

1. British Central Africa number.
2. Passport number.
3. Native name.
4. Date of arrival.
5. Physical condition upon arrival.
6. Employer's name.
7. Period of contract.
8. Rate of pay.
9. Remarks.

Space has been provided in the register for any changes of contract that may occur. The register will thus serve as a complete record of the native while employed on the Witwatersrand.

Particulars as to the physical condition of natives on arrival are supplied by the Government Medical Officer after examination. All gangs of natives recruited from British Central Africa will be thus examined prior to allotment to the mines.

I inclose copy of a Report by the Government Medical Officer upon the first group which arrived at Johannesburg on the 17th June, 1903.

In the column "Remarks" it is intended to insert further details not already provided for, special attention being given to keeping a record, as far as possible, of the health of each native during his period of service.

I have, &c.
(Signed) MILNER.

Inclosure 2 in No. 8.

Dr. Sansom to the Chief Inspector, Native Affairs Department.

Sir, *Box* 5382, *Johannesburg, June* 20, 1903.

IN response to your request, I inspected 380 British Central African natives at the Witwatersrand Native Labour Association's compound on the 18th June, and have the honour to forward you report of the examination.

I had much pleasure in personally investigating the physical condition of these natives, and can only regret that more time could not be spent in making a more thorough examination; but these men could not be kept very long at the compound, and, as you know, my duties are multifarious, consequently my investigation was not as complete as I should have liked it to be, and it is probable that one or two individuals not altogether physically fit may have escaped observation, but I hope not. Each native stripped to the waist in my presence, and a note was made against his number as to his condition: (1) State of tongue; (2) gums and teeth; (3) nasal passages (to detect whether suffering from cold or commencing pneumonia, which latter disease generally shows itself in natives by discharge from the nose); (4) chest development; (5) whether well nourished or otherwise; (6) presence or absence of sores on the legs and feet; (7) deformities.

My general impression of these natives was that their physical type was decidedly good, chest and muscles being well developed; they also seemed good tempered and fairly intelligent, and seemed rather to appreciate the medical examination than otherwise.

I have added some figures stating definitely the numbers of men who did not appear quite fit for work, but independently of these, I wish to draw attention to the following general remarks:—

1. Comparing these natives with others, I was struck with the large number of men whose teeth were decayed and defective.

2. The large proportion showing evidence of scorbutic tendencies or suffering from slight scurvy.

3. More or less complete absence of colds and coughs considering that these men had only just arrived after a long journey in the cold weather; their condition of health in this respect reflects great credit on those responsible for their care.

4. A certain number of men had umbilical (navel) hernia, and each one was advised to wear a belt to prevent any enlargement of the rupture.

One native only was suffering from the significant discharge from the nose which generally precedes infectious pneumonia or meningitis (both caused by the same micro-organism), and he was promptly sent to the hospital. Very great assistance was given me by Mr. Jenner, who kindly took down all particulars at my dictation, and I am much obliged to you for being good enough to arrange this help, which materially lightened my work.

I strongly urge you to have a careful supervision made of these natives, especially those with slight evidences of scurvy, because change of diet and conditions frequently seem to make disease troublesome. Another very important point is the matter of clothing. The garments provided for these men are extremely good and satisfactory, but as these men are not accustomed to them they may be a source of danger, as unless these natives are instructed in the importance of removing wetted clothes, or vests, &c., damped by perspiration, immediately they return to the compound after working underground, and are not allowed to stand about in the cold wind wearing damp clothing, there will be trouble—natives appear to be particularly susceptible in this respect. Perhaps I need hardly instance the fact that after the Regulation was passed in Durban ordering Zulus to wear garments when employed on rickshas pulmonary troubles then became very rife amongst them, due to the frequent chills from wetted clothing.

Number examined	380
,, with evidence of scurvy, slight or otherwise	145*
,, ,, slight aliments—headaches, diarrhœa, &c.	16
,, ,, slight deformities of feet	2
,, ,, sores or wounds	4
,, ,, rhinitis	1
,, ,, hernia	7
,, ,, malformed chest	1

* *I.e.*, 38·4 per cent.

I have, &c.
(Signed) CHARLES LANE SANSOM.

No. 9.

Acting Commissioner Pearce to the Marquess of Lansdowne.—(*Received September* 16.)

My Lord, *The Residency, Zomba, August* 3, 1903.

ALTHOUGH I have received no formal notification of the fact, I notice in the public press that a party of the British Central Africa natives, who volunteered for work in the Transvaal mines, were brought up before a Magistrate at Johannesburg charged with refusal to carry out the contract.

In defence these natives are alleged to have stated that they had not been told in British Central Africa that they were to work in the mines—in fact, that they had been engaged on misrepresentations.

I now have the honour to inform your Lordship that the statement of these men as reported is absolutely unfounded. From the very first the greatest care has been taken, acting on instructions from myself to all connected with recruiting, that the actual work likely to be undertaken in the Transvaal should be fully explained to each native presenting himself for engagement, and in the case of the men referred to above, Mr. Ranald MacDonald, the magistrate who signed the certificate, in the presence of Messrs. Casson, Hughes, and Cosgrove, fully explained to the natives what their work would be.

On being informed that they would have to work underground, a few of the men who had presented themselves for engagement stated that they would not care to go, and I need hardly assure your Lordship that they were allowed to return to their homes without hindrance.

When the men left they all thoroughly understood the terms of their Agreement, and what work they were required to do.

I have, &c.
(Signed) F. B. PEARCE.

No. 10.

General Report by Mr. C. Knipe on British Central Africa Labourers at present employed in the Rand Mines, and Emigration of Natives from the British Central Africa Protectorate.—(Received November 25, 1903.)

Sir,

I HAVE the honour to forward you a Report on the British Central Africa natives at present employed in the Rand mines and on the emigration of natives from the Protectorate.

In order to make this Report full and comprehensive, I propose to deal not only with the natives who have recently been taken to Johannesburg, but to show how there has been, for some years past, from the British Central Africa Protectorate, a steadily increasing flow of natives who seek and procure employment south of the Zambezi.

The movement began some five years ago among a tribe called the Atonga, who inhabit a district on the west shore of Lake Nyasa.

These Atonga, being a restless and enterprising race, thoroughly imbued with the spirit of travel, and having no small idea of trading principles, became dissatisfied with the smallness of the wages and the conditions of service in the Protectorate. A few of them accordingly determined to leave their own country and journey across the Zambezi to Salisbury and other places near that town, having no doubt heard that the rate of wages in this district was enormous when compared with the pay they had hitherto been accustomed to receive.

Not a few of these pioneers died from starvation and hardship on the journey, but when the remainder reached their destination they found no difficulty in obtaining employment at wages varying from 2*l.* to 5*l.* per month, according to their individual ability.

In course of time, the majority of this small band returned, each man with many pounds in his possession, and the sight of so much wealth immediately fired their fellow tribesmen with the spirit of emulation.

When the next dry season set in, a large number of Atonga undertook the journey. When these in their turn came home, the news had spread among the neighbouring tribes who began to follow the example set by the Atonga.

The Atonga again becoming restless, pushed on further than Salisbury, and gradually the other tribes followed them.

Year by year increasing numbers of natives are leaving the Protectorate in search of work, and it is not too much to say that the whole of the territory of the British South African Company is known to them. I know from my own experience that some of the Atonga, who are always the pioneers, have reached, on their own account, as far as Johannesburg.

As I do not think it is generally known what terrible privations the natives undergo in this yearly exodus, I will try shortly to put before you what happens.

The journey from the Protectorate to Salisbury takes from six weeks to two months. The natives when they start have only just sufficient money or cloth to procure food for this period. They therefore cannot rest on the way, and are obliged to travel continually and at a high rate of speed. Many become exhausted and die by the roadside. Many get ill in uninhabited places, and are left to the mercy of wild beasts. Long marches have to be undertaken without water, and although a man may have the wherewithal to purchase provisions he is often unable to do so. Not a few are robbed and murdered, both going and returning. A Chief called Choko, in Portuguese territory, is especially notorious in this respect.

In spite of these hardships, and in spite of the numbers who never return, the movement is becoming each year more general and more popular throughout the Protectorate. The natives are beginning now to take their women with them. There are two explanations for this: the first is that some of the natives are settling out of the Protectorate, and the second is that the lower classes are using their women for purposes of immorality in more civilized parts. There is no doubt whatever that this is taking place.

As I was for nearly two years in charge of the West Nyasa district, which is inhabited by the Atonga, who have been most in touch with the civilized world I was able to judge, and could not help being struck by the condition, bearing, and mental progress of these natives, and their superiority to the older generation who have never moved from their homes.

On the one hand, one sees the elder generation, with all the characteristics of the

primitive savage, living in filthy huts, clothed in scraps of rags or bark cloth, thinking of nothing but their women, their beer-pots, and their food, filling no niche in the sphere of utility.

On the other hand, one sees the younger generation with intelligent faces, keenly alive to the advantages of commerce, even forming small syndicates with the money they have earned south of the Zambezi and trading among their fellows. They live in clean and well-built huts; they take a pride in dressing themselves well; they are more docile and amenable to discipline, and by their contact with the outside world have become better citizens.

I have shown that, in spite of the many hardships and privations the natives undergo, they will still seek work outside the Protectorate. I will now endeavour to contrast their position when they are taken down under the ægis of the Government.

In the first place, the name of every man who wishes to go is registered for purposes of identification. While he is away his wife or family receive a maintenance allowance, thus doing away with much distress caused by natives leaving their relations unsupported in their absence under the old conditions. The native is engaged for a definite period. His whereabouts is always known, and at the end of his engagement he is properly returned, and cannot, as often now happens, be made to work, practically as a slave, by the Mashonas and Zulus, receiving his food only as payment. There are not a few British Central Africa natives who are doing this, because, after their long journey, they found themselves absolutely destitute and unable to return to their homes. Again, when the native is sent to Johannesburg by Government, the wandering through a strange land, the deaths from hunger and exhaustion, are entirely eliminated. He is put on a good steamer, he is given two, or even three, blankets, he has all the food he can possibly eat, and the law punishes any person treating him badly. The conditions under which the natives travel when supervised by Government are extremely good. If the native comes down the Lake, before starting they are made to cook sufficient food for one day. At the end of the first day they sleep on shore and cook more food for the next day, and so on until the Lake journey is finished. Four days is the limit of time they are on the Lake steamer. At Fort Johnston they are put on barges (if there is sufficient water in the river) and towed, with frequent stoppages, to a place called Mpimbi. From Mpimbi they march by easy stages across the Shiré Highlands to Katungas, getting as much food and salt as they require. At Katungas they are again placed on barges and towed to Chinde. During the journey they have ample opportunities for making their sanitary arrangements, and provisions are never scarce. While going down the Lower Shiré and Zambezi they sleep on shore every night, but are not allowed to stray far from the steamer. If the ocean steamer does not happen to be in when they arrive at Chinde, they are placed on board a hulk, which has been fitted up for the purpose, and a white man lives on board with them to preserve order. The ocean steamers are also fitted up for the accommodation of natives. There is good ventilation, the sanitary arrangements are well looked after, and there is an ample supply of food and fresh water. There are special galleys at which they can cook their food. On arrival at Delagoa Bay they are taken charge of by the agent for the Witwatersrand Native Labour Association and placed for the night in special compounds. The next morning each man receives a loaf of bread and some fish, and the party is placed on a native train in covered trucks. They then proceed as far as Komati Poort, where sometimes they remain for two days if it is considered necessary to give them some rest. At Komati Poort they are examined by a doctor, and if any of them are ill they are taken to a native hospital and sent on after recovery. Each man here is given a thick serge suit and an overcoat, in addition to the blankets he has already received. They travel from Komati Poort in covered trucks, frequent stoppages being made to allow them to cook their food, of which there is always abundance. On arrival at Johannesburg they are taken to the compound of the Witwatersrand Native Labour Association, where they are again medically examined. They are allowed to rest for two days in this compound, and are then distributed among the various mines.

I visited and inspected several of the native compounds attached to various mines, and I could not help being struck with the complete way in which everything is provided for the welfare of the native labourers. The food that is supplied is far better than anything the British Central African natives have been accustomed to. Meat is distributed twice a-week. They have plenty of fresh vegetables, salt, and rice, or mealy meal. If a man is a Mahommedan he will receive fish instead of meat. There are large kitchens

where everything is clean and in order. In every compound there is a native hospital with a medical man in constant attendance.

The gangs are divided into day and night shifts, and work full hours from Monday until Friday in each week.

Saturday is a half-holiday.

There is a clause in the contract under which the British Central Africa natives are engaged which provides that no work shall be done on Sundays.

If a native wishes to visit his friends employed in other mines, he receives a pass from the compound manager which enables him to do so.

The laws against ill-treatment of natives are most severe, and strictly enforced.

The chief evil to be contended against is pneumonia, which all natives and white people in Johannesburg are very liable to. The authorities are fully alive to the danger, and great precautions are taken to prevent the natives contracting this disease. The foolishness of the natives themselves, however, very often renders these precautions futile. Warm rooms and dry clothing are provided for the men when they come up from the mines. It is necessary that all natives be compelled to go into these rooms and change their clothing before going to the compounds, and strict supervision exercised to see that this is done.

With the exception of pneumonia, the native contracts no other severe malady, although scurvy is somewhat common, in spite of the quantities of fresh vegetables, lime juice, &c., with which they are supplied.

If it is thought fit to open up the British Central Africa Protectorate for recruiting, I would suggest that the natives be medically examined before leaving, and that no native with a weak chest, heart affection, or any similar disease be allowed to engage himself.

I hope that it may not be thought that I have gone outside the subject of the Report called for by you, but I have endeavoured in these preceding pages to put the whole matter before you to the best of my ability. I have tried to show that the British Central African has already discovered that the value of his labour far exceeds what the employers in British Central Africa are prepared to give, that this knowledge has caused him to journey many hundreds of miles on his own account, to undergo many privations, and that year by year the number who emigrate is increasing. I have tried to contrast the condition of the native travelling on his own account, and with no one to look after his interests, with the condition of the native who engages himself under the supervision of the Government.

That there will be some deaths in Johannesburg it is impossible to deny, but I am confident that the rate of mortality among the natives who are properly conducted from their homes will be as nothing when compared with the death rate of the natives who proceed south of the Zambezi in an irresponsible manner.

I can safely say that there are many thousands yearly leaving British Central Africa who have not the slightest intention of offering their services to the employers of labour in the Protectorate. I assert also that the principal objectors to the transportation of natives for labour in Johannesburg have absolutely no idea of the numbers who annually leave their homes. Their ignorance is due to the fact that they have never been near the principal districts from which the emigration takes place.

I have, &c.
(Signed) C. KNIPE, *3rd Assistant*,
British Central Africa Administration.

No. 11.

Acting Commissioner Pearce to the Marquess of Lansdowne.—(*Received November* 26.)

My Lord, *The Residency, Zomba, October* 10, 1903.

I HAVE the honour to herewith forward a Report by Mr. J. C. Casson, Superintendent of Native Affairs, regarding the passage from this Protectorate, and the conditions of natives who volunteered for work in the Transvaal mines.

Mr. Casson accompanied the second party from this country to Johannesburg, and at my request acquainted himself fully with the whole condition of Protectorate natives while employed at the mines.

From the Report the condition of Protectorate natives appears to be satisfactory,

the only point which cannot be classified as such being with reference to the voyage of the second party from Chinde to Delagoa Bay, and the steamer accommodation provided. On this subject I have now corresponded with the Witwatersrand Native Labour Association, calling their attention to the unsatisfactory nature of the accommodation, and water supply, and the undesirability of any overcrowding taking place in a small vessel, even although the passage is a matter of a few days.

I have no doubt that the Witwatersrand Native Labour Association will take steps to prevent any recurrence of this overcrowding.

I have, &c.
(Signed) F. B. PEARCE.

Inclosure in No. 11.

Mr. J. Casson to Acting Commissioner Pearce.

(Extract.) *Zomba, September* 26, 1903.

I HAVE the honour to state that in accordance with your instructions I proceeded from British Central Africa to Johannesburg, for the purpose of reporting on the conditions under which the first contingent of natives from British Central Africa were working at the mines in the Witwatersrand district of the Transvaal.

I left Chinde on the 11th August (accompanying the second contingent of natives, who volunteered for work in the Transvaal, with regard to whom I am submitting a Report) and arrived at Johannesburg on Monday, the 17th August.

I ascertained that the natives were working at the Robinson Deep Gold Mine, which is situated 1 mile from Johannesburg, and I at once proceeded to the mine to inquire into their condition.

Mr. Norseworthy, the compound Manager of the mine, informed me the boys were down the mine, and would not be up before 4 o'clock; in the meantime I visited the hospital, which exists on the premises, and saw and conversed with the sick men, whose names and numbers I detail:—

List of British Central Africa Boys in Hospital at the Robinson Deep Mine August 18, 1903.

British Central Africa No.	Name.	British Central Africa No.	Name.
8	Tom.	237	Siampango.
43	Labeka.	247	Makussa.
44	Alfasi.	251	Chia.
74	Kapinga.	257	Panada.
79	Kaffen.	264	Goka.
104	Guta.	274	Lisola.
127	Kangarembeno.	295	Chicopo.
134	Raposo.	321	Antonio.
142	Johni.	330	Kambar'cholo.
144	Adjutante.	347	Jasi.
167	Alfmari.	355	Kalimangwa.
168	Kashoti.	366	Sikani.
173	Mahkano.	372	Alfonso.
212	Mpuga.	373	Machoda.
215	Rampioa.	375	Alfasi.
236	Guzi.		Total, 31.

Amongst the sick there have been three cases of hydrocele, two of which have been operated upon successfully, and one was about to be treated. The remainder of the men were suffering from chest and stomach complaints.

The hospital is in charge of Dr. Sabir, an Indian doctor, subject to control by an English doctor attached to the mine; the sick are also inspected at frequent intervals by Dr. Brodie, of the Witwatersrand Native Labour Association, and by Dr. Sansom, the Health Officer for Johannesburg, who is also attached and reports direct to the Department for Native Affairs.

I regret to state that the following deaths have occurred since the arrival of the men at the mine:—

LIST of Natives who have died since arrival in the Transvaal.

British Central Africa No.	Name.	Cause of Death.	British Central Africa No.	Name.	Cause of Death.
83	Mchawa ..	Pneumonia.	70	Kupakwakulu ..	Pneumonia.
313	Qineri ..	,,	147	Cementi ..	,,
13	Nyaman ..	,,	302	Chavi	,,
320	Sadona ..	,,	37	Chaza	Heart failure.
266	Ntopa ..	,,	122	Mgala	Pneumonia.
119	Njirasena ..	,,	15	Litani	,,
231	Kunga ..	,,	152	Nyazombi ..	,,
124	Juaniti ..	,,	August.		
229	Msepa ..	Bronchitis.			
301	Cherabalingo ..	Pneumonia.	137	Jonas	,,
287	Antonio ..	,,	156	Tom	,,
54	Cheseremu ..	,,	326	Kasingali ..	,,
344	Msunya ..	,,			Total. 23.

After full inquiry at the mine, both through Mr. Norseworthy, the compound Manager, and his assistant, Mr. Ross (who was at one time in British Central Africa attached to the Baptist Industrial Mission in the Upper and West Shiré Districts), and also directly through the natives, I ascertained that at the time of the arrival of the first contingent from British Central Africa it was bitterly cold in Johannesburg, the weather being more than usually severe. An epidemic of influenza was also raging. It has to be remembered that the whole of this contingent were from the Lower Shiré River district, the hottest part of British Central Africa, and which is only some 200 feet above sea level, whereas at Johannesburg the elevation is 6,000 feet.

After the inquiries above referred to, and after conversations with Dr. Sansom and with Mr. Wyndham, the Secretary for Native Affairs, Transvaal Colony, I am convinced that the deaths were caused by the severity of the weather, and I would suggest that natives from British Central Africa should not arrive in the Transvaal except between the 1st August and the 30th April. The percentage of deaths (6 per cent.) appears high, but during the same period the percentage of deaths among natives from the East Coast of Africa (Mozambique, Quilimane, &c.) was, I was informed, 7 per cent., while amongst local Transvaal natives it was 5 per cent. The usual rate is 2 per cent., or less, and the increase was undoubtedly due to the severe weather and the epidemic of influenza which prevailed at the same time in Johannesburg and district.

Through the courtesy of Mr. Wyndham, the Secretary for Native Affairs, I was enabled to peruse the medical and other Reports sent into the Department for Native Affairs with special reference to British Central African natives, Sir Godfrey Lagden having ordered that these special Reports should be made. From these documents I gathered—

1. That on arrival the natives were examined by Dr. Sansom as to—

(1.) State of tongue and pulse.
(2.) ,, gums and teeth.
(3.) ,, nasal passages.
(4.) Chest development.
(5.) Whether well nourished or otherwise.
(6.) Sores or wounds.
(7.) Deformities.

2. That on the 9th July there were 7 in hospital seriously ill; 7 in hospital ill, on road to recovery; 9 in compound seriously ill and sent to hospital; 7 incapacitated temporarily by slight accidents; 124 ill with influenza.

3. During the epidemic of influenza there were 275 sick = 71·4 per cent.; 80 sent to hospital = 29·9 per cent.; 18 died = 4·67 per cent.

These figures show a satisfactory result in view of the large number of sick.

Nearly all the deaths occurred amongst the older men, and I would recommend that

no men over middle age be allowed to be recruited in future, but only men between the ages of 18 and 45 or thereabouts, thus excluding boys and old men.

4. Dr. Sansom reports that boys with scorbutic tendencies are longer on the sick list than others.

5. On the 20th July there were 66 in hospital and 17 had died.

After careful inquiry, I have no doubt that everything was done that could be done to minimize the effects of the influenza epidemic.

6. Dr. Brodie, of the Witwatersrand Native Labour Association, reported on 20th July that the physique of the British Central Africa natives was good, and that few were suffering from colds on arrival.

7. One boy died suddenly in the mine from heart failure; post-mortem revealed old and extensive liver disease. Dr. Brodie considered he would have died at home in any event.

8. 103 natives escaped influenza; 105 suffered short illness, one or two days; 59 ill from three to twelve days; 111 seriously ill, and 18 died.

9. Mr. Stubbs, the General Manager of the Robinson Deep Mining Company, takes a rather pessimistic view regarding the value of British Central Africa boys for mining work. He stated, through his Secretary, that at the end of July only about 15 per cent. could drill a 2-foot hole, and the rest of the boys at work only drilled from 6 inches to 15 inches per day, the daily task being a 3-foot hole. At an interview I had with the Secretary of the Company, he gave me the following figures as representing useless expenditure incurred by the Company during the month of July on account of British Central Africa natives:—

	£
1. Food for 332 natives, at 1*s.* a-day	498
2. Wages for 292 natives, at 45*s.*	657
3. Hospital expenses	170
4. White labour	240
5. Labour Association	70
Total	1,635

Upon looking into these figures it is obviously unfair to compare work done by natives who have never seen a drill or been down a mine before with that done by natives accustomed to the work, and it is equally obvious that a certain time must be allowed to enable the boys to become expert. This is borne out by the fact that on the 21st August the majority of the boys were drilling 2-foot holes and the white miners were reporting satisfactory progress, whilst the Manager expected that from 65 to 75 per cent. of the boys would shortly complete the daily task.

It must be stated, however, that the Chikunda people, who live in the hot river district, and from which tribe this first contingent was mainly drawn, are not nearly so energetic as natives from the highlands or even the Lake district, such as the Yao, Man'ganja, Anguru, and Atonga tribes; but looking at the fact (1) that this contingent suffered severely at first from sickness and were unable to work; (2) that the white miners had difficulty in making themselves understood owing to our natives not understanding the South African Kaffir language; and (3) that the work was entirely new to them, I cannot but come to the conclusion that the results, as at the end of July, were fairly satisfactory, and on the 21st August were still more so. The white miners report that British Central Africa natives are more intelligent than the Mozambique or East Coast natives, and, since this is their opinion of the first (Chikunda) contingent, I am very hopeful that the second contingent, who are Yaos, Man'ganja, and Anguru, will speedily become expert workers. I had various long talks with the British Central Africa boys at the Robinson Deep Mine, in which I made it clear to them they were not doing as well as they could, and that I hoped to hear shortly that they were doing as well as the natives of other tribes working at the same mine. This they quite well understood, explained to me the difficulties they had had to overcome, and expressed their desire to do as good work as other natives. Personally, I have no doubt that during the remainder of their period of service they will perform their task and prove entirely satisfactory. This view is shared by the Mining Company, for when the Secretary gave me the above figures and unsatisfactory statement I offered to have the boys returned to their homes; but he stated his belief that the Company would recover the expenditure referred to by the work the boys would put in during the months they had yet to work, and therefore he desired them to remain.

In view of what I have already stated it is, perhaps, unnecessary to look very closely into the figures quoted by the Company, making up the total of 1,635*l.* I may, however, call attention to the item, 170*l.*, "hospital upkeep." This item includes the salary of

Dr. Sabir and other amounts of permanent upkeep which would always be a charge in any event, it may fairly be reduced to 80*l.* The item 240*l.*, "white labour," cannot be looked upon as a loss, for the white miners would have been employed in any case, and, moreover, during the month they have themselves reported that fair progress has been made. This amount may be struck out, therefore. The item of 70*l.* to the Witwatersrand Native Labour Association, must also be struck out, for the payment was due in any event, whether the natives were a success or not. The item 657*l.* for "wages" cannot be entirely a loss, for it represents a certain amount of actual drilling done, and although the drilling may have been to some extent useless (not being deep enough) there was some value—probably two-thirds; this must be reduced to, say, 250*l.* The food item 498*l.* may be reduced for the same reason to 166*l.* The total of the so-called useless expenditure is thereby reduced to 496*l.*

In the course of the various talks I had with the boys I ascertained that they now prefer to work below rather than on the surface. They stated they liked the work, and were well treated by the white miners down the mine. They work at various depths down to 2,600 feet.

I left these men feeling they would now do well.

2nd Contingent.

In accordance with your instructions I accompanied the second contingent of natives from Blantyre and Mlanje districts of British Central Africa, who had volunteered for work in the Witwatersrand district of the Transvaal.

The contingent numbered 350, being 172 from the Blantyre district and 178 from Mlanje district, and consisted mostly of Yaos and Man'ganja, together with a number of Anguru, two Angoni, and a few Pokola. Amongst the men from Blantyre there were sixteen boys. Upon observing these boys I spoke separately to them, and explained the full meaning of the agreement they had entered into, namely, to work at the mines. I found they already fully understood the nature of the contract they had entered into, and although I offered to release them, they all declared their desire to go, even two small boys, No. 594 Ebony, and No. 708 Tembi. I called the attention of Mr. Nourse, the Witwatersrand Native Labour Association agent, to these boys, and to the fact that 45*s.* a-month was due to them under their agreements; thereupon he stated they would do work fitted for boys, and only receive boy's pay. He suggested 10*s.* a-month. I arranged for 15*s.* as a minimum, and indorsed the agreements in red ink with the following words:—

"Bearer being a youth shall not be given a man's work;"

and altered the pay from 45*s.* to 15*s.* a-month. Of the two small boys, Ebony and Tembi, Ebony was taken by the Manager of the East Randt Proprietary Mine to work in his house, whilst Tembi I have brought back with me, as I could not allow him to stop at the mine and no suitable work offered. I considered, moreover, he would be able to describe to natives in British Central Africa the things he had seen at the mines, and what the other natives think of the work.

I would suggest that in future no boys would be allowed to be recruited for South Africa, as the work in the mines is unsuitable, and there is some difficulty in arranging for suitable work for them unless they are separated from their gangs and fellow tribesmen, which is not desirable.

The journey from Chiromo to Chinde calls for no special remark except that the River Shiré is this year hardly capable of floating barges above Pinda; it took the four small barges two and a-half days to travel 60 miles—from Port Herald to Sabola's village—whence the boys walked to Old Pinda during the night, whilst Mr. Nourse and myself took down two large barges empty to the same place, where we found steamer waiting to tow them to Chinde.

Chinde was reached on the 10th August, and the boys went on board the British India Company's steamer "Vasna" the same day. She left at daylight on the 11th August.

The "Vasna" is a small steamer of about 600 tons, and has hitherto been engaged in the Indian coasting trade. She now runs between Delagoa Bay and Mozambique, never putting into a British port apparently. Two days after leaving Chinde the "Vasna" anchored at Inhambane, and a further batch of 370 natives was taken on board.

I pointed out to the captain that there was barely sufficient deck space even for the 350 from British Central Africa; he, however, had the lower forehold left open for the use of the boys. Even then there was much crowding; it made it extremely difficult to to observe any sick native, and certainly was not a healthy state of affairs. I had, however, no authority to interfere. Fortunately, the voyage was a short one and the weather fair, otherwise I consider the circumstances would have caused very much discomfort.

Moreover, there was only one small cooking place, so that although cooking went on day and night, many natives were unable to cook their rice. The distribution of water also was necessarily difficult amongst such a crowd of natives, and I have no doubt that some natives, both of the British Central Africa 350, and the Inhambane 370, had to go without on each occasion of distribution. The quantity of fresh water carried by the "Vasna" was not sufficient for so many natives. Altogether, I consider the "Vasna" and similar vessels should be limited to a certain number, to be ascertained by measurement of sea and main decks, allowing 6 feet × 3 feet for each native. The deck should not be measured aft, as natives are not allowed aft of the engine-room door, which is amidship.

There were a number of the men sick on the voyage from various causes: a number suffered from acute diarrhœa, and two or three from dysentery. I administered medicine; and on arrival at Delagoa Bay on the 15th August, it was found necessary to send only two to hospital, namely:—

No. 583, Saluli.
No. 539, Kunyikunyi.

I also detained here No. 603, Mbawala, and No. 503, Zuaki, to attend upon above sick men.

The remainder of the men proceeded by train on Sunday, the 16th August, to Ressano Garcia, where the Witwatersrand Native Labour Association have a compound. This place is close to the Komati River, and the natives rested here two days, so that they could bathe, be vaccinated, and have warm clothing issued to them before proceeding to the colder heights. The clothing issued consists of 1 sweater, 1 overcoat, 1 coat, 1 pair of trousers, more than ample with the two blankets already issued. Three natives—No. 464, Lamechi; No. 534, Tausi; No. 537, Susi were also left at Ressano Garcia compound to recover from dysentery before proceeding to Johannesburg. No. 544, Mbetako, was left to look after these three sick boys.

The contingent arrived at the Witwatersrand Native Labour Association compound, Johannesburg, on Thursday afternoon, and were at once inspected by Dr. Sansom, Medical Officer of Health for Johannesburg, and Medical Inspector attached to the Department for Native Affairs. He expressed the opinion that this was a better lot of men than the first contingent, and in this I agree; after individual examination, Dr. Sansom passed the majority as first class. A number of men were said to be suffering from scurvy, and although this may be possible, owing to the partial famine in British Central Africa and lack of the usual vegetable food at home, and also during the journey south, I am of opinion that it can only have been of a slight nature. (See further remarks later.) A few slightly sick men (five) were at once attended to and placed in hospital: there was no serious case of illness.

On Friday morning (21st August) I again proceeded to the Witwatersrand Native Labour Association's compound and saw all the men. They had had an opportunity of conversing with many of the men of the first contingent, who were working at the Robinson Deep Mine, whose compound adjoins that of the Witwatersrand Native Labour Association. I had personal and individual conversations with many of the men, and also addressed them collectively, advising them to work well and give no trouble. They all appeared happy and contented, and promised that good reports should reach Zomba concerning them. I had an opportunity of pointing out to them Mr. Tanner, the Government Inspector of Natives for the East Randt District, and told them he would see them from time to time and hear any complaint they might have to make. Mr. Tanner was in British Central Africa in 1897, and was interested in our natives, and assured me he would give them special attention.

Mr. Cooke, of the Native Pass Department, Johannesburg, was also present. I also on this occasion pointed out to the men Mr. Quinn, the compound Manager of the East Randt Proprietary Mine, to which property the boys were to be sent that day. After medical inspection by Dr. Brodie, on behalf of the Witwatersrand Native Labour Association, the boys left for the mine by train—it is situated at Vogelfontein, about 15 miles from

Johannesburg. I told the boys I would go out to them the following day for a final talk, and take back any letters they might wish to send to British Central Africa.

Upon visiting the East Randt Proprietary Company's compound at Vogelfontein on Saturday morning, in company with Mr. McFarlane, one of the Joint Managers of the Witwatersrand Native Labour Association, I found Mr. Tanner there, and also the Mine Company's doctor. There were twelve men in hospital suffering from colds and diarrhœa, but no serious case. I personally examined each man with the doctor, and have no doubt they would recover in a few days.

This compound is said by the Transvaal Government officials to be an excellent one. It was very clean—in the yard and in the houses. Our British Central Africa natives are much cleaner in their habits than the South African natives, and Mr. Quinn, the compound Manager, remarked to me in some surprise that the boys had of their own accord swept out their houses first thing in the morning.

The houses are built of iron, and each contains four large wooden platforms with a space in the centre—*i.e.*, two platforms on each side. About sixty boys sleep in each house.

Ample food is provided, and includes native porridge, beans, peas, potatoes, and meat. Native beer is also given in reasonable quantities. This latter is, I consider, a very necessary item in the diet of any native. The fact that Dr. Sansom found some of the men were suffering from scurvy may be due to the lack of beer, owing to the famine and consequent scarcity of grain. I have often observed in British Central Africa that natives working for Europeans far from their homes (Angoni), and who got little or no native beer, were not so well and fit as other natives who, living at home, had access to beer. I believe the sweet beer consumed by natives really supplies a natural want, and keeps them in health, just as lime-juice is supplied to sailors on board ship in lieu of fresh vegetables—for a similar reason.

In view of the opinion expressed by Dr. Sansom (referred to above), that many of the boys were suffering from scurvy, it is interesting to note that the doctor attached to the East Randt Mine stated he found few signs of scurvy amongst the boys, and expressed surprise at Dr. Sansom's statements in that respect!

I had asked the Manager of the Robinson Deep Mine to allow ten men of the first contingent to go to the East Randt Mine for one week, in order that they might initiate the men of the second contingent into the work required of them. This, I regret to say, was refused, and the refusal indicates how little assistance may sometimes be expected from mining concerns in the matter of teaching new natives the details of work which they are unaccustomed to and have no knowledge of. The refusal is all the more to be regretted as the Robinson Deep is an important property, and if they refuse assistance then other and less important concerns may certainly be expected to refuse also. In view of this, I had a conversation with Mr. Quinn, the compound Manager, and requested that the boys be given time to become accustomed to going down the mine. This, he assured me, would be done, and stated they would be given work on the surface at first until they became more at home with the surroundings.

I consider the boys were satisfactorily settled, and, in a final talk with them, they all assured me they were contented and would do their best to work well and have good reports sent to Zomba concerning them.

I selected two English-speaking boys, Thomas and Moses, as head "capitãos." Thomas has been for fifteen years in the employment of Messrs. Buchanan Brothers, and is known to me as a most reliable native. They will look after the natives and act as interpreters between them and Mr. Quinn. Mr. Quinn evinced a desire to be able to speak to our natives in their own tongue, and had already obtained from Thomas a list of useful sentences. To this list I added others, and promised to forward a handbook of Chiman'gania for his assistance.

Finally, I think this contingent will prove satisfactory in every way. The cold weather was practically over when the boys arrived, and they will thus have the whole of spring and summer to become acclimatized before experiencing the bitter cold to which, unfortunately, our first contingent was exposed and suffered so heavily from.

I had told the men I would take back any letters to British Central Africa which they might wish to send to their friends, and, on leaving, quite a large number were handed to me and a further large batch have since reached me. These I am having delivered. Many of them inform their friends of the true facts regarding work at the mines, and state, in so many words, that "lies were told us when it was said we were going to the war and that we should die."

Generally.

The feeding and housing arrangements at the various compounds I visited appeared to me to be eminently satisfactory. Every day a variety of food is provided, including rice, porridge made from maize flour, beans, a mixture of beans, potatoes, and onions, and the natives can make their own choice. There is no limited quantity issued, but each native asks for and obtains as much as he wishes. At some mines meat is given every other day, at others twice a-week, and at a few once a-week. The food is issued from the kitchens already cooked; it is cooked by a number of men selected from those working at the mine, so that each tribe, as a rule, has its representative in the kitchen. The operations appeared to me to be carried out in a cleanly and efficient manner.

Hot coffee is issued morning and evening; biscuits also being issued in the morning.

From 1 to 2 pints of native beer is issued at some mines once a-week and at others twice. I have already stated above my opinion that the issue of the beer is a very necessary thing, as I am convinced it tends to keep the men in health.

There is no possibility of the native workers obtaining spirits now, for the Native Liquor Laws in the Transvaal are very strict and are rigidly enforced by the Native Department under Sir Godfrey Lagden. I made special inquiry into this matter, and am absolutely satisfied that the old trade in spirits which existed under the late Government, and was carried on by a very low class of whites, has now been swept away.

Occasionally it may happen that a native will be sent to hang around the compounds with a few bottles concealed under an overcoat; but the risk he runs of detection and punishment is so great that these attempts are of rare occurrence. In such few cases as have been detected it has been found that the native was generally employed by some white of low standing. It is thus practically impossible for the native workers at the mines to obtain strong drink.

Medicinally, Cape brandy (and possibly other spirits) is given to sick men. This is done in the compound hospitals only, and only under the orders and supervision of a medical man; even then, quinine is mixed with the spirit in order to obscure its flavour. Under these circumstances I do not think any one can raise objections. It has been shown that if the administering of spirit to a sick native is stopped his recovery is often much retarded, and Dr. Sansom informed me that in the case of our natives, who suffered much from the epidemic of influenza, he had found it absolutely necessary to administer brandy (disguised with quinine).

Such precautions as I have described being taken, it is obvious that there is every desire to prevent the natives not only from getting spirit at ordinary times, but to so disguise and spoil its natural flavour when it is found necessary to administer it as a medicine, that the native is more likely to consider it as very unpalatable than to conceive a liking for it.

The natives of British Central Africa have never had any opportunity of obtaining spirits at their own homes, although possibly those living in the Lower Shiré River districts may have obtained some of the Portuguese common red wine which, in Portuguese territory, is regularly issued to native workers, and is also sold.

The native beer issued to workers at the mines is brewed on the mine premises. This does away with the necessity for any trade in beer being carried on with outside persons. It also insures that the beer is free from spirit, and that it is made from the proper ingredients only.

The houses, or dormitories, of the natives in the compounds are built either of brick and iron or of iron only. They are commodious and clean. Disinfectants are used, and the use of limewash is frequent. The compounds are swept daily, this work being generally performed by youths and small boys.

A bathing tank is provided, and is made good use of. Bathing is not compulsory, but the majority of the natives make frequent use of the bath. The baths I saw were large enough for fifty or sixty natives to bathe at one time. When in use, most of these baths have a constant supply of running water, so that the water in the tank is always clean.

Speaking generally, I can state, without the slightest hesitation, that everything that can reasonably be done for the comfort of native workers is done. Of course, the standard of the arrangements made varies at different mines: thus at a high-grade mine, where economy need not be so much studied, the arrangements may be, and undoubtedly are, better than the standard obtaining at a low-grade mine, where expense must be kept within certain limits. However, the standard obtaining at any one of the

mines I visited was much above the standard existing in British Central Africa, if a standard can be said to exist there at all. In short, at the mines it appeared to me that the food, housing, and general comfort of the natives were well looked after, and superior in all respects to any arrangements made in British Central Africa.

In the matter of putting forward complaints the natives from British Central Africa have, I consider, reasonable facilities. With each gang that has gone down to the Transvaal one or more English-speaking capitãos have been sent. These men do no other work than that of looking after the men in their gang, both in the way of conveying instructions to them from the compound Managers, and in putting forward any complaint which any individual native may wish to prefer.

In addition to the compound Manager the capitãos can put forward complaints to the Government native Inspectors, who have been appointed for the various districts for the special purpose of looking after the interests of natives. In the case of the second contingent of natives from British Central Africa, the Inspector is Mr. Tanner, who was in British Central Africa in 1897; whilst at the Robinson Deep Mine, where the first contingent are working, one of the assistants (Mr. Ross) to the compound Manager was for some years in British Central Africa as a missionary, and quite well understands the native language spoken by the men.

If it is decided to allow recruiting in large numbers it may become necessary to appoint some official of the British Central Africa Government to act as agent and Inspector for British Central Africa natives in the Transvaal, receiving pay either from his own or the Transvaal Colony Government and not from the Labour Association. This is, however, a matter for the future.

At the present moment the few natives (comparatively) from British Central Africa have, I consider, every reasonable opportunity of bringing forward any complaints they may wish to make.

It may be interesting to state that at one mine I found an Atonga from the West Nyasa district who had been working steadily for six years. I questioned him, and he said he had been quite happy and was well treated. He said he would return home some day, but had not made up his mind when. The compound Manager spoke well of him, and stated he had for a long time past been employed as a capitão or ganger over other natives.

I mention this as it is an instance of a native having gone down of his own accord, and although there are no official records to support me, I confidently assert that the many other Atonga who have been going down yearly to the mines further north, namely, at Salisbury, Bulawayo, and in the Umtali districts, have probably created as good an impression as this one Atonga has at Johannesburg.

The arrangements made by the Department for Native Affairs in the Transvaal Colony under the control of Sir Godfrey Lagden, for the supervision and inspection of natives working at the mines are, even now, after so short a time has elapsed since the Government of the country was taken over, most excellent, and are being improved from time to time.

It forms no part of my duty to comment upon the working of the Transvaal Native Department, but I may be allowed to say that I was informed by Mr. Wyndham, the Secretary for Native Affairs, that the Department has on its staff the most experienced officials from the other South African Colonies, officials who have, in the various positions from whence they came, had the widest experience of native affairs. Therefore, in conclusion, I consider I am at liberty to state that natives sent from this Protectorate, as indeed from any other part of Africa, will be thoroughly well looked after and protected whilst working in the Transvaal Colony.

If it is decided to allow further recruiting, I have the honour to suggest that a number of the British Central Africa natives now working at the mines, should be returned to their own districts on special pay, so that they may explain locally the true state of affairs regarding work in the Transvaal to their fellow tribesmen.

No. 12.

Foreign Office to British India Steam Navigation Company.

Sir, *Foreign Office, December* 1, 1903.

I AM directed by the Marquess of Lansdowne to transmit to you the accompanying extracts from a Report by Mr. Casson, Superintendent of Native Affairs in the British

Central Africa Protectorate,* relating to the overcrowding of your steamer, the "Vasna," on which he embarked at Chinde, on the 10th August last, in charge of a party of 350 natives for service in the Transvaal mines.

Lord Lansdowne does not doubt that you will institute a full inquiry into the case, and take steps to prevent any future danger of a recurrence of the overcrowding referred to.

In this connection, I am to inquire whether your East African service is conducted under the Indian Native Passenger Acts?

I am, &c.
(Signed) CLEMENT Ll. HILL.

No. 13.

Foreign Office to Acting Commissioner Pearce.

Sir, *Foreign Office, December* 1, 1903.

I AM directed by the Marquess of Lansdowne to acknowledge receipt of your despatch of the 10th October, and to request you to thank Mr. Casson for the interesting Report which it contains of his visit to Johannesburg with the second batch of labourers for the Rand Mines.

A copy of the Report will be forwarded to the Colonial Office. The attention of the British India Steam Navigation Company has been called to the overcrowding on the "Varna" reported by Mr. Casson.

Lord Lansdowne had an interview with Lord Milner on the 21st ultimo, on the subject of a further recruitment of labour for the mines. He came to an arrangement which is recorded in the accompanying copy of a letter to Mr. Knipe,† and I am to instruct you to arrange for every facility being given to the recruitment of a further batch of natives on Mr. Knipe's arrival in British Central Africa.

A copy of a report by Mr. Knipe on the position of the natives now at the mines is inclosed.‡

I am, &c.
(Signed) CLEMENT Ll. HILL.

No. 14.

Foreign Office to Mr. C. Knipe.

Sir, *Foreign Office, December* 1, 1903.

I HAVE laid before the Marquess of Lansdowne your Report of the 25th ultimo on the condition of the labourers from British Central Africa now working in the Transvaal mines, and am directed by his Lordship to thank you for the same.

His Lordship has discussed with Lord Milner the question of extending the experiment, and has agreed to instruct His Majesty's Commissioner in British Central Africa to give every assistance to further recruiting in the Protectorate up to 5,000 men in the beginning of 1904.

Lord Milner will inquire, on his return to Johannesburg, into the condition of the British Central Africa natives now in the mines, and will inform Lord Lansdowne of the result.

Meantime, in anticipation of a satisfactory report, Lord Lansdowne desires that you should hold yourself in readiness to leave for Johannesburg, and there to make all arrangements for the reception of the new contingent. Thence you should proceed to British Central Africa, taking with you, if necessary, an Agent of the Witwatersrand Native Labour Association for the purpose of recruiting the natives.

I am to inquire when you would be ready to start, and to invite any observations you may have to make on the subject generally.

I am, &c.
(Signed) CLEMENT Ll. HILL.

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* Inclosure in No. 11.

† No. 14.

‡ No. 10.

No. 15.

Mr. C. Knipe to Foreign Office.—(Received December 4.)

Wicklands, Eastbourne, December 3, 1903.

(Extract.)

I HAVE the honour to acknowledge the receipt of your letter, dated the 1st instant.

In anticipation of a favourable report from Lord Milner, I beg to inform you that I shall be prepared to start for Johannesburg on the 2nd January, 1904.

While at Johannesburg I will arrange all details with regard to the 5,000 natives who will be recruited in British Central Africa during the ensuing year.

When it is finally resolved that 5,000 more natives be recruited from the Protectorate, I would suggest that His Majesty's Commissioner be informed of the fact by cable, that he be told that I shall arrive in the Protectorate, viâ Johannesburg, about the middle of February to organize the movement, and to request Mr. Marian Steblecki to commence making his arrangements for the recruiting.

I think that, should the scheme prove a success, it will be necessary for an official who understands the customs and languages of the British Central African natives to be constantly at Johannesburg. I think also that his presence there will prove a great help to the Government and the Witwatersrand Native Labour Association.

No. 16.

Foreign Office to Colonial Office.

Foreign Office, December 7, 1903.

(Extract.)

I AM directed by the Marquess of Lansdowne to transmit to you for the information of Mr. Secretary Lyttelton copies of correspondence as marked in the margin,* on the subject of the further recruitment of natives of the British Central Africa Protectorate for work in the Rand mines.

Unless an unfavourable report is received on the condition of the natives at present working in the mines, Mr. Knipe will proceed to Johannesburg to make arrangements for the reception of a new contingent, after which he will leave for the British Central Africa Protectorate for the purpose of supervising the recruiting of the natives.

No. 17.

British India Steam Navigation Company to Foreign Office.—(Received December 9.)

Sir, 9, *Throgmorton Avenue, London, December* 8, 1903.

I AM instructed by the Directors of the British India Steam Navigation Company to acknowledge the receipt of Sir Clement Lloyd Hill's letter of the 1st instant, with the extracts from a Report by Mr. Casson, Superintendent of Native Affairs in the British Central Africa Protectorate, which accompanied it, with reference to the alleged overcrowding of the steamer "Vasna" with native passengers embarked at Chinde for the Transvaal mines.

The Directors are sending copies of Sir Clement Lloyd Hill's letter and the extracts to the Managing Agents of the Company in India, under whose management the "Vasna" is worked on the East Coast of Africa, with instructions to institute a full inquiry into he case, and they will communicate with you again on receipt of the Managing Agents' Report.

They are also instructing the Managing Agents to avoid taking a greater number of passengers in the "Vasna" or other steamers of the Company employed on the East Coast of Africa than can be carried with comfort.

I am, &c.

(Signed) P. W. ARMOUR, *Joint Secretary.*

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* Nos. 10, 11, 13, and 14.

No. 18.

Colonial Office to Foreign Office.—(*Received December* 14.)

Sir, *Downing Street, December* 12, 1903.

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 7th instant, and to state that he has received with satisfaction the inclosed reports with reference to the recruitment of labourers for the Rand in British Central Africa, and the provisional instructions given by Lord Lansdowne to His Majesty's Commissioner in British Central Africa, to give every assistance for further recruiting up to 5,000 early in 1904.

2. A copy of these papers is being communicated to the Governor of the Transvaal.

I am, &c.
(Signed) FRED. GRAHAM.

No. 19.

The Marquess of Lansdowne to Commissioner Sharpe.

(Telegraphic.) *Foreign Office, January* 4, 1904.

ARRANGEMENTS have been made in direct communication with the High Commissioner at Pretoria for the recruitment of 5,000 additional British Central African natives for the mines in South Africa.

You should render all possible facilities to Mr. Knipe, who will make the necessary arrangements on behalf of the Witwatersrand Native Labour Association. He proceeds first to Johannesburg, leaving here on the 9th instant, and will reach Zomba in about six weeks from now.

No. 20.

Colonial Office to Foreign Office.—(*Received January* 25.)

(Extract.) *Downing Street, January* 23, 1904.

I AM directed by Mr. Secretary Lyttelton to transmit to you, to be laid before the Marquess of Lansdowne, the inclosed copy of a telegram from the High Commissioner for South Africa, respecting the recruitment of British Central African natives for labour in the mines.

2. I am to observe that Mr. Lyttelton's despatch of the 17th December forwarded your letter of the 7th December and its inclosures.

Inclosure in No. 20.

Governor Lord Milner to Mr. Lyttelton.—(*Received at Colonial Office January* 21.)

January 21, 1904.

(Telegraphic.)

YOUR despatch of 17th December, and my despatch of 4th January, last batch of British Central African natives received since writing are better both in physique and efficiency than former batches. Prospect of experiment much more hopeful, and mining authorities anxious to persevere with it. I hope that Knipe will come as proposed in Foreign Office letter to him dated 1st December.

No. 21.

Colonial Office to Foreign Office.—(*Received January* 26.)

THE Under-Secretary of State for the Colonies presents his compliments to the Under-Secretary of State for Foreign Affairs, and is directed by the Secretary of State to transmit, for the information of the Marquess of Lansdowne, with reference to the letter from this Department of the 23rd January, a copy of a despatch from the Governor of the Transvaal, on the subject of the employment of natives from British Central Africa in the Transvaal mines.

Downing Street, January 26, 1904.

Inclosure 1 in No. 21.

Governor Lord Milner to Mr. Lyttelton.

Sir, *Governor's Office, Johannesburg, January* 4, 1904.

I HAVE the honour to inclose the Report which Lord Lansdowne asks for on the subject of the importation of British Central African natives for work on the Transvaal mines.

Although the position as regards these natives is not as good as I had hoped, or as I was, when in England, led to believe, I am still strongly of opinion that it would be a mistake to discontinue the experiment of their introduction. I quite recognize that its success is not assured. But neither do I think that it has been proved a failure.

The mortality among the British Central African natives has been high. But every effort is being made to look after the health of the boys, and recent results in this respect appear to me more encouraging. I am of opinion that we should be allowed to import up to 5,000 of these boys, if we can get them, furnishing half-yearly reports of the result. A certain number of the first batch have already returned to British Central Africa, and some more will soon be going. Unless they give a good account of their experiences here, any attempt to recruit considerable further numbers will fail. If, on the other hand, they do give a good account, I can see no reason why we should stand in the way of others desiring to come here.

I have, &c.
(Signed) MILNER.

Inclosure 2 in No. 21.

Memorandum respecting the Employment of British Central African Natives on the Gold Mines of the Witwatersrand.

Three batches of these natives have, up to date, been received. The numbers were as follows:—

June	385
August	345
September	88

In every case there has been a good deal of sickness amongst them, especially when first introduced. The greatest mortality was in the first batch, of whom twenty died in six weeks after arrival. But this is attributable to the fact that an epidemic of influenza unfortunately broke out at the time. In any case it is to be regretted that natives from a warm climate were brought to the Rand, in the first instance, at the very height of the South African winter. It is a general experience that natives from Central or Southern Central Africa are ill able to bear the cold, though otherwise healthy, climate of Johannesburg, unless they are introduced in a comparatively warm season of the year, and thus enabled gradually to acclimatize themselves to the cold, instead of encountering it on their first arrival. The exceptional nature of the mortality

experienced by the first batch on arrival is shown by the fact that, while twenty died in the first six weeks, the total number of deaths in the subsequent five months has been twenty-one.

The total mortality among all batches up to date is sixty-seven. This is very high, though, for the reasons already given, it cannot be taken as a fair average of the standard of health under normal conditions.

The mortality among the first batch at the outset was quite exceptional. On the other hand, there has undoubtedly been a great amount of sickness and a high death-rate among all the batches. But a great deal of the sickness is due to the almost incredible carelessness of the natives themselves (this is true of every class of natives) in the matter of health, and to their disregard of the most elementary precautions, especially with regard to changes of temperature. But, careless as they are, experience does teach them something in this respect, and the lessons learnt by the first comers, of any particular tribe, are handed on to their successors. When the British Central African boys first came down here they were quite strange. Their language was different from that of any other natives employed on the mines, and intercourse was impossible. They could thus not learn anything from their fellows. Now, on the other hand, every British Central African boy who comes down has the experience of many others of his own race to guide him. Under these circumstances I think we may hope that the health of these natives will gradually improve, and that the average death-rate will, after a time, be no higher than in their own country. I have been informed, though on this point I cannot speak with any personal authority, that it is not even now higher than among the boys working at Blantyre. Of course my hopeful anticipations on this subject may turn out wrong. The matter must be carefully watched. But it does not seem to me that under all the circumstances, there is sufficient reason for discouragement in the high death-rate so far experienced.

Whatever the causes of the sickness among the British Central African natives, it can certainly not be due to any want of care on the part of the mine-owners or of the Administration. With regard to the arrangements made for the health and comfort of the boys, Sir Godfrey Lagden, the Commissioner of Native Affairs, who keeps the treatment of all natives on the mines under close inspection, and has a large staff under him for that purpose, reports as follows:—

"Special care and attention was given to these natives on all the mines on which they were employed. To protect them from the effects of the sudden change of climate on arrival at Johannesburg, each British Central African native was supplied, free of charge, with a special suit of clothing, in addition to that usually issued to East Coast natives.

"They were accommodated separately from the other natives, in buildings of good construction, with satisfactory sanitary arrangements. The ordinary rations were varied by the addition of coffee and biscuit, meat and vegetable stew, rice, and, in some instances, tea and sugar.

"For several days after arrival the natives were allowed to rest, and when sent to work their hours were so arranged as to prevent their exposure to night air, with the risk of contracting colds, pneumonia, &c."

Any of the natives falling sick were immediately taken into hospital. With regard to their treatment there the Government Medical Officer of Health reports:—

"I cannot speak too highly of the attention which has been unremittingly paid to these patients."

As regards the conduct of the British Central African natives difficulties arose almost immediately after the arrival of the first batch, a number of whom struck work and had to be brought before a magistrate. The incident was, however, apparently due to some misunderstanding. Since the natives have got accustomed to their surroundings and their work, there has been no repetition of it.

It is difficult to judge how any particular class of natives regard life on the Rand. The matter can only be decided by experience. Before any further recruiting is attempted, an appreciable number of the British Central African natives will have returned home, and it is doubtless on their reports that the success of such future attempts will depend.

As mine workers, whether above or below ground, the British Central African natives have not as yet proved very efficient. They are so far not to be compared in this respect with natives from Portuguese East Africa. But it is too soon to condemn them on this ground, just as it is too soon to conclude that their mortality will always be high. The Acting Chief Inspector of Mines says:—

"I am of the opinion that it would be possible to eventually economically employ the British Central African native on the mines. He is an intelligent native, and as he gradually assimilated himself to the conditions of life and his fellow labourers his efficiency would increase, while an appreciation on his part of the danger of climatic influences, and a better knowledge of his personality and constitution on the part of those to whose care he is intrusted, would result in his being less liable to incapacitation through ill-health."

One thing can be confidently asserted, and that is, that no effort will be spared, either on the part of the mines or the Government, to give the experiment of British Central African natives every chance of success. That being the case, it seems reasonable to ask that it should be continued for some time longer, and on a larger scale. Indeed, if restrictions on the importation of these natives were entirely removed, I believe that the question of their employment on the Rand would settle itself in the best possible way. Unless the natives are happy here, they will not come; and unless they improve alike in health and efficiency, it will not pay the mines to import them. So far the mines have certainly lost money over the experiment. Nevertheless, they are anxious to give it a further trial. That is the strongest proof possible that they expect to be able to cope in the long run with the difficulties besetting the introduction of these natives, especially in the matter of health. Unless a good standard of health and contentment is reached, the mines cannot afford to continue to introduce these natives, for, compared with East Coast natives, they are very costly to bring here. My own opinion is that there is good hope of the British Central African natives becoming inured to the conditions of life here and attaining a reasonable standard of efficiency. If I saw cause to change that opinion, I should not fail to inform you of it.

(Initialled) M.

January 3, 1904.

No. 22.

Foreign Office to Colonial Office.

Sir, *Foreign Office, January* 30, 1904.

I HAVE laid before the Marquess of Lansdowne your letters of the 23rd and 26th instant, relating to the question of the further recruiting of labour in the British Central African Protectorate for work in the Rand Mines.

Since these letters were received, Mr. Kirby Green, an officer of the Protectorate, has arrived from Johannesburg, where he had taken the last batch of British Central African natives.

In view of the information furnished by him, Lord Lansdowne does not feel warranted in altogether forbidding further recruitment for the mines, but he considers that Lord Milner's Report establishes more clearly than ever the necessity of taking ample precautions for securing the welfare of the recruits, and, in particular, that arrangements should if possible be made for obtaining them only from the cooler regions of the Protectorate. They should also be fully acquainted not only with the terms of their contracts, but with the risks to health to which they are exposing themselves.

He therefore proposes to telegraph to Sir A. Sharpe that, having received Lord Milner's Report and heard the evidence given by Mr. Green, he will allow the scheme for recruiting another 5,000 natives to go forward on condition that the new men arrive in South Africa before the winter; that the greatest precautions continue to be taken by the local authorities to acquaint the recruits with the fact that they will run a certain risk to their health; that recruits are only drawn from the colder regions of the Protectorate; and that satisfactory steps are taken to remedy the defects in steam-ship accommodation to which attention was drawn in earlier Reports.

I am, &c.

(Signed) CLEMENT Ll. HILL.

No. 23.

The Marquess of Lansdowne to Commissioner Sharpe.

(Telegraphic.) *Foreign Office, February* 19, 1904.

RECRUITMENT of labour for the Transvaal.

My telegram of the 4th ultimo.

An engagement has been given to Parliament that the arrival in the Transvaal of Protectorate labourers who may enlist shall be postponed till August, and that recruiting shall in future be confined to the colder regions of the Protectorate.

You should take care that these conditions are scrupulously adhered to. I have made the necessary arrangements with the Colonial Office.

No. 24.

Foreign Office to Commissioner Sharpe.

Sir, *Foreign Office, March* 10, 1904.

WITH reference to my telegram of the 19th ultimo and previous correspondence respecting the further recruitment of natives up to the number of 5,000 in the British Central Africa Protectorate for work in the Transvaal mines, I am directed by the Marquess of Lansdowne to transmit to you, for your information, the accompanying copies of letters which have passed between this Department and the Colonial Office on the subject.*

You will learn from this correspondence the intentions of His Majesty's Government as regards this further recruitment and the conditions on which it is to be allowed.

My telegram of the 19th ultimo has already informed you of Lord Lansdowne's decision to confine recruiting to the colder regions of the Protectorate, and to stipulate that such labourers as may enlist shall not arrive in the Transvaal until August.

I am now to call your special attention to the following recommendations as regards the treatment of the labourers made by Messrs. Knipe and Casson in their respective Reports† :—

1. That all natives who enlist should be medically examined before leaving, and that no native with a weak chest, heart affection, or any similar disease should be allowed to engage.

2. That no men over middle age should be allowed to be recruited, but only men between the ages of 18 and 45 or thereabouts, boys and old men being thus excluded.

3. That the natives of the Protectorate should be given the opportunity of learning the true state of affairs regarding work in the Transvaal from labourers who have already actually worked in the mines.

These conditions appear to Lord Lansdowne to be necessary as safeguards, and he is also of opinion that the local officers should carefully explain to intending recruits that they expose themselves to a certain risk as regards their health by engaging for labour in the Transvaal mines.

I am, &c.
(Signed) CLEMENT Ll. HILL.

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* Nos. 20, 21, and 22.

† Nos. 10 and 11.

AFRICA. No. 4 (1904).

CORRESPONDENCE relating to the Recruitment of Labour in the British Central Africa Protectorate for Employment in the Transvaal.

[In continuation of "Africa No 2 (1903)."]

Presented to both Houses of Parliament by His Majesty's Command. March 1904.

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AFRICA. No. 6 (1904).

CONVENTION

BETWEEN THE

UNITED KINGDOM AND CHINA

RESPECTING THE

EMPLOYMENT OF CHINESE LABOUR

IN

BRITISH COLONIES AND PROTECTORATES.

Signed at London, May 13, 1904.

Presented to both Houses of Parliament by Command of His Majesty.
May 1904.

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Convention between the United Kingdom and China respecting the Employment of Chinese Labour in British Colonies and Protectorates.

Signed at London, May 13, 1904.

WHEREAS a Convention between Her Majesty Queen Victoria and His Majesty the Emperor of China was signed at Peking on the 24th October, 1860, by Article V of which His Imperial Majesty the Emperor of China consented to allow Chinese subjects, wishing to take service in British Colonies or other parts beyond the seas, to enter into engagements with British subjects, and to ship themselves and their families on board of British vessels at the open ports of China in conformity with Regulations to be drawn up between the two Governments for the protection of such emigrants:

And whereas the aforesaid Regulations have not hitherto been framed, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China have accordingly appointed the following as their respective Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the Emperor of China, Chang Têh-Yih, Brevet Lieutenant-General of the Chinese Imperial Forces, His Imperial Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

And the said Plenipotentiaries having met and communicated to each other their respective full powers, and found them in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

As the Regulations to be framed under the above-mentioned Treaty were intended to be of a general character, it is hereby agreed that on each occasion when indentured emigrants are required for a particular British Colony or Protectorate beyond the seas, His Britannic Majesty's Minister in Peking shall notify the Chinese Government, stating the name of the particular Colony or Protectorate for which the emigrants are required, the name of the Treaty port at which it is intended to embark them, and the terms and conditions on which they are to be engaged; the Chinese Government shall thereupon, without requiring further formalities, immediately instruct the local authorities at the specified Treaty port to take all the steps necessary to facilitate emigration. The notification herein referred to shall only be required once in the case of each Colony or Protectorate, except when emigration under indenture to that Colony or Protectorate from the specified Treaty port has not taken place during the preceding three years.

ARTICLE II.

On receipt of the instructions above referred to, the Taotai at the port shall at once appoint an officer, to be called the Chinese Inspector, who, together with

the British Consular Officer at the port, or his Delegate, shall make known by Proclamation and by means of the native press the text of the Indenture which the emigrant will have to sign, and any particulars of which the Chinese officer considers it essential that the emigrant shall be informed, respecting the country to which the emigrant is to proceed, and respecting its laws.

ARTICLE III.

The British Consular Officer at the port, or his Delegate, shall confer with the Chinese Inspector as to the location and installation of the offices and other necessary buildings, hereinafter called the Emigration Agency, which shall be erected or fitted up by the British Government, and at their expense, for the purpose of carrying on the business of the engagement and shipment of the emigrants, and in which the Chinese Inspector and his staff shall have suitable accommodation for carrying on their duties.

ARTICLE IV.

1. There shall be posted up in conspicuous places throughout the Emigration Agency, and more especially in that part of it called the Depôt, destined for the reception of intending emigrants, copies of the Indenture to be entered into with the emigrant, drawn up in the English and Chinese languages, together with copies of the special Ordinance, if any, relating to immigration into the particular Colony or Protectorate for which the emigrants are required.

2. There shall be kept a Register in English and in Chinese, in which the names of intending indentured emigrants shall be inscribed, and in this Register there shall not be inscribed the name of any person who is under 20 years of age, unless he shall have produced proof of his having obtained the consent of his parents or other lawful guardians to emigrate, or, in default of these, of the Magistrate of the district to which he belongs. After signature of the Indenture according to the Chinese manner, the emigrant shall not be permitted to leave the Depôt, previously to his embarkation, without a pass signed by the Chinese Inspector, and countersigned by the British Consular Officer or his Delegate, unless he shall have, through the Chinese Inspector, renounced his agreement and withdrawn his name from the register of emigrants.

3. Before the sailing of the ship each emigrant shall be carefully examined by a qualified Medical Officer nominated by the British Consular Officer or his Delegate. The emigrants shall be paraded before the British Consular Officer or his Delegate and the Chinese Inspector or his Delegate, and questioned with a view to ascertain their perfect understanding of the Indenture.

ARTICLE V.

All ships employed in the conveyance of indentured emigrants from China under this Convention shall engage and embark them only at a Treaty port, and shall comply with the Regulations contained in the Schedule hereto annexed and forming part of the Convention.

ARTICLE VI.

For the better protection of the emigrant, and of any other Chinese subject who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a Consul or Vice-Consul to watch over their interests and well-being, and such Consul or Vice-Consul shall have all the rights and privileges accorded to the Consuls of other nations.

ARTICLE VII.

Every Indenture entered into under the present Articles shall clearly specify the name of the country for which the labourer is required, the duration of the engagement, and, if renewable, on what terms, the number of hours of labour per working day, the nature of the work, the rate of wages and mode of payment, the rations, clothing, the grant of a free passage out, and, where such is provided for

therein, a free passage back to the port of embarkation in China for himself and family, right to free medical attendance and medicines, whether in the Colony or Protectorate or on the voyage from and to the port of embarkation in China, and any other advantages to which the emigrant shall be entitled. The Indenture may also provide that the emigrant shall, if considered necessary by the medical authorities, be vaccinated on his arrival at the Depôt, and, in the event of such vaccination being unsuccessful, revaccinated on board ship.

ARTICLE VIII.

The Indenture shall be signed, or in cases of illiteracy marked, by the emigrant after the Chinese manner, in the presence of the British Consular Officer or his Delegate and of the Chinese Inspector or his Delegate, who shall be responsible to their respective Governments for its provisions having been clearly and fully explained to the emigrant previous to signature. To each emigrant there shall be presented a copy of the Indenture drawn up in English and Chinese. Such Indenture shall not be considered as definitive or irrevocable until after the embarkation of the emigrant.

ARTICLE IX.

In every British Colony or Protectorate to which indentured Chinese emigrants proceed, an officer or officers shall be appointed, whose duty it shall be to insure that the emigrant shall have free access to the Courts of Justice to obtain the redress for injuries to his person and property which is secured to all persons, irrespective of race, by the local law.

ARTICLE X.

During the sojourn of the emigrant in the Colony or Protectorate in which he is employed, all possible postal facilities shall be afforded to him for communicating with his native country, and for making remittances to his family.

ARTICLE XI.

With regard to the repatriation of the emigrant and his family, whether on the expiration of the Indenture or from any legal cause, or in the event of his having been invalided from sickness or disablement, it is understood that this shall always be to the port of shipment in China, and that in no case shall it take place by any other means than actual conveyance by ship, and payment of money to the returning emigrant in lieu of passage shall not be admissible.

ARTICLE XII.

Nothing in any Indenture framed under these Articles shall constitute on the part of the employer a right to transfer the emigrant to another employer of labour without the emigrant's free consent and the approval of his Consul or Vice-Consul; and should any such transfer or assignment take place, it shall not in any way invalidate any of the rights or privileges of the emigrant under the Indenture.

ARTICLE XIII.

It is agreed that a fee on each indentured emigrant shipped under the terms of this Convention shall be paid to the Chinese Government for expenses of inspection, but no payment of any kind shall be made to the Chinese Inspector or any other official of the Chinese Government at the port of embarkation. The above fee shall be paid into the Customs bank previous to the clearance of the ship, and shall be calculated at the following rate:—3 Mexican dollars per head for any number of emigrants not exceeding 10,000, and 2 dollars per head for any number in excess

thereof, provided they are shipped at the same Treaty port, and that not more than twelve months have elapsed since the date of the last shipment.

Should the port of embarkation have been changed, or a space of more than twelve months have elapsed since the date of the last shipment, inspection charges shall be paid as in the first instance.

ARTICLE XIV.

The English and Chinese text of the present Convention have been carefully compared, but in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct sense.

ARTICLE XV.

The present Convention shall come into force on the date of its signature and remain in force for four years from that date, and after such period of four years it shall be terminable by either of the High Contracting Parties on giving one year's notice.

In witness whereof the Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done at London in four copies, two in English and two in Chinese, this thirteenth day of May of the year 1904.

(Signed) LANSDOWNE.
T. Y. CHANG.

SCHEDULE.

Regulations.

SHIPS employed in the transport of indentured emigrants from China under this Convention must be seaworthy, clean, and properly ventilated, and, with regard to the following matters, shall comply with conditions as far as possible equivalent to those in force in British India with reference to the emigration of natives from India:—

Accommodation required on board (*vide* section 57 of "The Indian Emigration Act, 1883").

Sleeping accommodation, consisting of wooden sheathing to the decks or sleeping platforms (*vide* rule regarding "iron decks," as amended the 16th August, 1902, in Schedule "A" to the rules under "The Indian Emigration Act, 1883").

Rules as to space on board (*vide* section 58 of "The Indian Emigration Act, 1883").

Carriage of qualified surgeon, with necessary medical stores.

Storage of drinking water (*vide* rule 113, as amended the 24th February, 1903, under "The Indian Emigration Act, 1883").

Provision of adequate distilling apparatus (*vide* Schedule "C" to the rules under "The Indian Emigration Act, 1883").

The dietary for each indentured emigrant on board ship shall be as follows per day:—

	Not less than
Rice, not less than 1⅓ lb., or flour or bread stuffs	1½ lb.
Fish (dried or salt) or meat (fresh or preserved)	0½ „
Fresh vegetables of suitable kinds	1⅓ „
Salt	1 oz.
Sugar	1½ „
Chinese tea	0⅓ „
Chinese condiments in sufficient quantities.	
Water, for drinking and cooking	1 gallon.

or such other articles of food as may be substituted for any of the articles enumerated in the foregoing scale as being in the opinion of the doctor on board equivalent thereto.

Notes exchanged between the Marquess of Lansdowne and the Chinese Minister on signing Convention of May 13, 1904.

Sir, *Foreign Office,*
May 13, 1904.

BY Article VI of the Convention about to be concluded between Great Britain and China with regard to Chinese subjects leaving the Treaty ports of China under Indenture for service in British Colonies or Protectorates it is provided that :—

"For the better protection of the emigrant and of any other Chinese subject who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a Consul or Vice-Consul to watch over their interests and well-being, and such Consul or Vice-Consul shall have all the rights and privileges accorded to the Consuls of other nations."

His Majesty's Government consider it specially important that the persons appointed to occupy, for the purpose named, the position of Consul or Vice-Consul should be experienced officers of Chinese nationality, that they should be exclusively in the service of the Emperor of China, and that in each case the name of the person selected should be communicated to His Majesty's Government, and their agreement to the appointment obtained.

I have the honour to inquire whether the Chinese Government are prepared to meet the wishes of His Majesty's Government in the matter. If so, and if you will inform me accordingly, this note and your reply might be attached to the Convention in order to place on formal record the arrangement concluded.

I have &c.
(Signed) LANSDOWNE.

Chang Ta-Jên,
&c., &c., &c.

My Lord Marquess, *Chinese Legation,*
May 13, 1904.

IN reply to your Lordship's note of this date, I have the honour to state that the Chinese Government are in entire accord with His Britannic Majesty's Government as to the great importance they attach to the Consuls and Vice-Consuls to be appointed under Article VI of the Convention about to be concluded between the two Governments being men of great experience, and will consider it a duty which they owe to the emigrant to confine the selection of these officers to such as in all respects conform to the requirements specified in the note above referred to, which, together with the present one, it has been mutually agreed shall, in proof of this understanding, be appended to the said Convention.

I have, &c.
(Signed) T. Y. CHANG.

The Marquess of Lansdowne, K.G.,
&c., &c., &c.

AFRICA. No. 6 (1904).

Convention between the United Kingdom and China respecting the Employment of Chinese Labour in British Colonies and Protectorates.

Signed at London, May 13, 1904.

Presented to both Houses of Parliament by Command of His Majesty. May 1904.

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TRANSVAAL.

FURTHER CORRESPONDENCE

RELATING TO THE

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1904.

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TRANSVAAL.

FURTHER CORRESPONDENCE

RELATING TO THE

TRANSVAAL LABOUR QUESTION.

(*In continuation of* [Cd. 1941] *March*, 1904.)

No. 1.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 6.10 p.m., February 24, 1904.)

TELEGRAM.

(Extract.)

24th February. No. 4. Regulations will provide that any coolie wishing to bring his wife and family can do so, or if on arrival here he wishes them brought after him that every facility will be given him to do so at importer's expense.

No. 2.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 5.45 p.m., February 26, 1904.)

TELEGRAM.

[*Answered by No.* 4.]

(Extract.)

26th February. No. 3. It would not be possible, in my opinion, to treat the Chamber of Mines as the employer with whom the contract by the labourer is made, leaving him no option, if he is to be transferred from any one mine on the Rand to any other within the area covered by the properties worked by all the members of the Chamber of Mines. My pledge that transfer should require consent would be rendered illusory thereby.

The next question is whether a group of mines may be treated as an employer. This appears to me to depend upon the precise nature of the control and responsibility exercised by the governing body of the group over the several mines of that group. I presume that the management of each mine is not independent, and that complaints and proceeding taken by the Government in respect of the treatment of labourers would lie against, and be dealt with by, the Board controlling the group of mines and not the Directors of the individual mine, and that the functions of such a Board are not purely financial. The interpretation which Parliament will attach to the pledge which I have given in this matter is that the labourer shall not be transferred

from more favourable to less favourable conditions of employment without his consent, and if I am to agree to a group of mines being accepted as the employer I must be satisfied that the control exercised by the central Board of the group is such as to secure practical uniformity of treatment and equal conditions in each of the mines under their control.

No. 3.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 4.10 p.m., February 27, 1904.)

TELEGRAM.

[*Answered by No.* 5.]

(Extract.)

27th February. No. 2. I have stated in Parliament that, pending appointment responsible officer in China paid by Transvaal Government and completion of Regulations for carrying out Ordinance, no complete contract can possibly be made.

No. 4.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 10.15 p.m., February 29, 1904.)

TELEGRAM.

(Extract.)

29th February. No. 2. Your telegram of 26th February, No. 3.* It is not essential that the Chamber of Mines should be employer. The control of the central body of each group over the several mines belonging to it is absolute, and the Government could effectively ensure observance of stipulated treatment, and the same treatment on each mine of a given group through such controlling body.

No. 5.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 9.20 p.m., February 29, 1904.)

TELEGRAM.

February 29. No. 3. Your telegram of 27th February, No. 2.† Have communicated with Chamber of Mines, who fully understand that complete contracts cannot be made or embarkation take place till officer appointed and Regulations approved by you.

No. 6.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 4.15 p.m., March 2, 1904.)

TELEGRAM.

[*Answered by No.* 7.]

(Extract.)

March 2. No. 2. Question in Parliament whether any steps will be taken by Transvaal Government to regulate prices of goods to be supplied to coolies by stores in the compounds in order to prevent their being mulcted of their wages. If the Superintendent of Labourers found it necessary it would, of course, be open to the Lieutenant-Governor to make regulations on the subject, but, as I understand, the

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* No. 2.

† No. 3.

labourers will be able to go out to make their purchases. What does Evans advise as to arrangements for stores and shops?

No. 7.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 9.45 p.m., March 3, 1904.)

TELEGRAM.

March 3. No. 2. Your telegram of 2nd March, No. 2.*

1. Stores exist and are permitted on every mine.
2. Trading is open and competition keen.
3. By the Truck Act of 1896 no Director or official is permitted to have any interest in any store.
4. Labourers will be able to purchase their stores and deal in the same manner as other employés at reasonable prices, which are kept down by competition.
5. Evans approves.

No. 8.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 4.30 p.m., March 7, 1904.)

TELEGRAM.

[*Answered by No.* 10.]

March 7. No. 2. Matter most urgent. Referring to your telegram, 20th February, No. 1.† Please telegraph *in extenso* the text of the particular regulations which embody my pledges and requirements.

No. 9.

ACTING GOVERNOR SIR H. BALE (NATAL) to MR. LYTTELTON.

(Received 3.22 p.m., March 8, 1904.)

TELEGRAM.

March 8. No. 1. I am asked at the request of Ministers to send you the following message, in which I fully concur:—

Begins: It is the opinion of Ministers that unless tension occasioned by the short labour supply in the Transvaal is afforded immediate relief, such as the proposed introduction of Chinese under indenture offers, there is grave cause to apprehend that the financial position throughout South Africa will be seriously affected.

No. 10.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 1.8 a.m., March 9, 1904.)

TELEGRAM.

[*Answered by No.* 16.]

March 8. No. 1. Matter most urgent. Your telegram of 7th March, No. 2.‡ Following is text of Regulations which you require:—

Begins: Under heading—

Recruiting.

1. No person shall recruit Chinese labourers for introduction into the Transvaal unless he is in possession of a licence to do so issued by the official mentioned in

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* No. 6. † No. 33 in [Cd. 1941]. ‡ No. 8.

Regulation No. 2. Such licence shall be issued on such conditions as the said official may impose in accordance with instructions given to him by the Lieutenant-Governor. All instructions issued to the said official shall be published in the "Gazette."

Under heading—

Contracts of Service.

2. Every contract of service entered into under "The Labour Importation Ordinance, 1904," shall be signed by the labourers to be bound thereby in the presence of an official representing the Transvaal Government and stationed at such ports of embarkation as may be notified in the "Gazette." Notice shall be given in the "Gazette" of the name and description of the said officials.

3. The official mentioned in the preceding Regulation shall, before a contract is signed by the labourers, explain to them in their own language the provisions thereof and also the clauses set forth in the schedule attached to the contract and shall certify at the foot of the said contract that he has done so and that the labourers who signed the contract did so voluntarily and without any undue pressure or misrepresentation. No contract shall be registered at the office of the Superintendent not certified as aforesaid.

4. Every contract of service shall be signed by the parties thereto in duplicate original in the presence of the official mentioned in the preceding Regulation and shall be as nearly as possible in the form set forth in Form No. 1 to these Regulations, and a certified copy of such contract translated into the Chinese language shall be delivered to each labourer by the said official. One duplicate original of the said contract shall be delivered by the said official to the importer or his agent who signed the said contract and the other duplicate original shall be forwarded by the said official to the Superintendent.

5. No such contract shall be signed by labourers until they have been examined by a qualified medical practitioner and certified to as being mentally and bodily sound.

6. It shall be competent for a labourer to terminate his contract of service at any time without assigning any reason on tendering to his importer the expenses incurred in introducing him and his wife and children, if any, into the Transvaal together with a sum sufficient to defray the expenditure necessary in returning them to the port in China at which they embarked. Notice of the termination of any contract by the labourer shall be forthwith given by the employer to the Superintendent.

Under heading—

Transfer of Labourers.

11.—(1.) Every agreement for the transfer of the service of a labourer shall be in the Form No. 4 to these Regulations and shall be signed by the transferor the transferee and the labourer in the presence of and attested by the Superintendent, who shall before attestation explain the full meaning and effect of such agreement to the labourer.

(2.) No labourer shall leave the transferor's employment till the agreement for transfer or a certified copy thereof shall be registered at the office of the Superintendent.

(3.) Every labourer whose services have been transferred shall, before entering the employment of the transferee, deliver up to the Superintendent his passport and the Superintendent shall thereupon issue to him another passport, on which shall be impressed the number given to the labourer in the register of the Superintendent, the name of the transferee, and of the mine or mines at which the labourer is to be employed.

(4.) Such passport shall be issued without any fee for the unexpired portion of the period for which the passport delivered up by the labourer to the Superintendent held good.

12. The sanction of the Lieutenant-Governor to the transfer of the services of a labourer under Section 11 of the said Ordinance shall be given in writing and only on the production of a certificate signed by the Superintendent that the agreement as to transfer has been explained to the labourer and that he consents thereto and has signed the same.

13. In the transfer of labourers as far as may be possible members of the same family and neighbours from the same village and persons who may agree in representing themselves to be friends and associates shall not be separated from each other.

Under heading—

Passages of Labourers to South Africa.

14. Every Chinese labourer who has signed a contract of service shall be carried from the port of embarkation to the Port of Durban in Natal in a ship whose master holds a certificate from the official mentioned in Regulation No. 2. Such certificate shall only be granted on similar conditions to those prescribed in Ordinances 1899 to 1901 in force in Hong Kong for the granting of certificates to masters of ships for the conveyance of Chinese immigrants.

Under heading—

Arrival of Labourers at Durban.

15.—(1.) On arrival of such ship at Durban the said labourers and their wives and children accompanying them shall land and be medically examined in accordance with such laws and regulations as may be in force in Natal.

(2.) The Superintendent or an Inspector authorized by him shall meet all labourers arriving at Durban and make arrangements with the proper authorities for the conveyance of such labourers with their wives and children to the Witwatersrand district.

(3.) No labourer arriving at Durban in a ship other than one whose master has obtained the certificate mentioned in Regulation No. 14 shall be introduced into the Transvaal. Before any labourers are allowed to land the master of such ship must produce his certificate to such official as may be appointed to proceed on board and demand it.

(4.) The Superintendent or an Inspector authorized thereto by him shall satisfy himself that every labourer arriving at Durban for introduction into the Transvaal signed his contract of service in accordance with requirements of Regulation No. 3.

(5.) If the Superintendent or Inspector is satisfied with regard to any labourer that his contract does not comply with requirements of Regulation No. 3, and that after understanding the said conditions and provisions as aforesaid he is unwilling to proceed to the Transvaal under his contract, the said labourer with his wife and children, if any, shall be returned to the port in China at which he embarked at the expense of his importer, and the Superintendent or Inspector, as the case may be, shall make the necessary arrangements for such return.

Under heading—

Care and Treatment of Labourers when Sick.

21. Every employer shall provide his labourers and their wives and children residing on his premises with medicine and medical attendance during illness, and any employer who neglects to do so shall for every such offence be liable to a penalty not exceeding £50 and in default of payment to imprisonment for a period not exceeding three months and shall further be liable to pay any reasonable expense incurred by the Superintendent in providing such medicine and medical attendance.

Under heading—

Wages.

24. The wages of every labourer shall be paid monthly in current coin of the realm in accordance with his contract and no payment of wages to a labourer shall be of any force or effect unless the same has been made as aforesaid.

25. No employer shall deduct any sum from the wages of any labourer in

respect of monies paid during his term of service, save and except such sum as may have been advanced to the labourer before arriving in the Transvaal and certified to by the official before whom the contract of service is signed, unless such monies have been paid with the consent in writing of an Inspector or Magistrate.

26. No employer of a labourer shall charge him with the payment of any monies on account of stores supplied to such labourer or deduct any sum in respect thereof from the wages due to him.

27. If the wages of a labourer are due an Inspector may demand payment of the same from the employer; and if such wages remain unpaid for a period of fourteen days after demand has been so made, the Inspector may sue for and recover the same on behalf of the labourer in any competent Court.

Under heading—

Women and Children.

33. Every labourer shall be entitled to be accompanied by his wife and children under the age of 10 years at the expense of the importer; and every labourer who, after being introduced into this Colony, desires his wife and children under the age of 10 years to join him in the Transvaal may, provided that before or at the signing of his contract such labourer shall have registered with the official before whom the contract is signed the names and residence of his wife and children and the respective ages of the children, require his employer to introduce them at his, the labourer's, expense and on the employer refusing to do so the labourer shall be entitled to terminate his contract and thereupon shall be returned to China in pursuance of his contract at the expense of the importer.

34. In any case in which the services of a labourer are transferred from the importer to some other person who holds a licence to import labourers, the wife and children of such labourer shall not be separated from him but the transferee shall provide proper accommodation for such wife and children on the premises on which the labourer is employed and shall be liable for the expense incurred in returning the wife and children of such labourer to China in case such labourer dies while in the service of such transferee as aforesaid or any of the events happen during such service which render such labourer liable under the Ordinance to be returned to his country of origin.

Under heading—

Return of Labourers to China.

39. Every labourer on being returned to China shall be returned only in a ship the master of which is in possession of a licence authorizing him to carry labourers.

40. The said licence shall be issued by an official authorized thereto and stationed at Durban in respect only of any ship in which conditions exist similar to those required under Regulation No. 14 in ships carrying labourers from China to Durban.—*Ends.*

No. 11.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 9.5 p.m., March 9, 1904.)

TELEGRAM.

[*Answered by Nos.* 13 *and* 14.]

March 9. No. 1. My telegram, 22nd February, No. 2.* I am prepared to sanction Ordinance on receiving your assurance that you are satisfied that arrangements for reception and accommodation of immigrants can be completed in the interval between embarkation in China and arrival in Transvaal, and on further assurance to me that Regulation 33 has been altered, so as to impose cost of introducing wives and families following labourers on the employer in accordance with my pledge that reasonable facilities will be given and with statement in your telegram of 24th February, No. 4,† that Regulations will provide that any coolie wishing to bring his wife and family can do so and if on arrival here he wishes them brought after him that every facility will be given him to do so at importer's expense.

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* No. 35 in [Cd. 1941].

† No. 1.

Assent to Ordinance when given will, I fear, not render it possible to embark labourers from China, seeing that, as I explained in my telegram of 27th February, No. 2,* no final contracts can be made pending the completion of the Regulations and settlement of arrangements in China.

I hope, however, that assent will assist you in other directions.

No. 12.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 10.50 p.m., March 10, 1904.)

TELEGRAM.

10th March. No. 1. I received this morning a large deputation representing some thirty public bodies and Associations and about forty mines in the Witwatersrand district. Public bodies included Town Councils of Johannesburg, Boksburg, and Germiston, Chambers of Trade and Commerce, Stock Exchange Committee, Prospectors and Claim-Holders Association, Associations of mine managers, engineers, chartered accountants, surveyors, architects, &c. They asked me to telegraph to you the following Resolution:—

Begins: We desire most earnestly to impress on His Majesty's Government:

(*a.*) That it is the interests of the whole white community of this Colony that are at stake, and more especially of the British population engaged in commerce and industry which are dependent on an adequate supply of coloured labour.

(*b.*) That so far from the importation of unskilled labour diminishing the employment of whites it must necessarily augment it.

(*c.*) That failing the immediate giving effect to Ordinance an increasing number of white workers will find themselves without the means of livelihood and the present acute financial and industrial depression will be intensely aggravated. *Ends.*

Deputation consisted of several hundred men, about half being delegates from mines and the rest leading professional and commercial men.

Telegram was read from Bishop of Pretoria expressing regret at absence, and stating his belief that importation of unskilled Asiatic labour under Government Regulations only solution of present difficulties.

In my reply to deputation I expressed my sense of its important and representative character, and my opinion that it would help to remove misunderstanding at home. I also undertook to inform you of the Resolution by telegraph. My own feeling is entirely in accord with its terms.

No. 13.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.38 p.m., March 10, 1904.)

TELEGRAM.

[*Answered by No.* 16.]

March 10. No. 2. Your telegram of 9th March, No. 1.† I am satisfied, after consulting Evans, that arrangements for reception and accommodation of immigrants can be satisfactorily completed in time.

I have also seen mining people and they are ready to bear expense of transport of wives and families following labourers provided that married labourers register names and addresses before leaving China. This provision seems necessary to prevent fraud, and I think you will agree with me that it is reasonable. Regulation 33 will accordingly be altered in this way if you concur.

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* No. 3.

† No. 11.

No. 14.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 5.30 p.m., March 11, 1904.)

TELEGRAM.

(Extract.)

March 11. No. 1. With reference to the latter part of your telegram, No. 1, of 9th March,* I agree that immediate assent will have a political effect even if it does not relieve the economic strain. At the meeting yesterday the underlying feeling of anxiety was very marked, although the speeches were studiously moderate. The deputation was really a remarkable one. It was a genuine popular deputation, half at least being workmen of a fine type, and one of the speeches which were delivered would have carried any workmen's meeting at home.

The action of the Chamber of Commerce, too, was noticeable as representing the feeling of the non-mining men of business. This body, a year ago, decided by a very large majority against imported labour. Yesterday a Resolution to take part in the deputation to me was carried at a very full meeting by 61 votes to 11, and the Chairman himself, an anti-importation man, appeared to present it.

No. 15.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 6 p.m., March 11, 1904.)

TELEGRAM.

[*Answered by No.* 17.]

(Extract.)

March 11. No. 2. It is not clear with whom contract is to be signed by labourer in China. Recruiting is, I understand, to be conducted by agents of Native Labour Association, yet, now that consent of labourer is necessary to each transfer, it seems that labourer should make contract with the Association as agents for an individual mining group, otherwise transfer from Association to individual group will be necessary in case of each man on arrival in Transvaal.

No. 16.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 6.25 p.m., March 11, 1904.)

TELEGRAM.

March 11. No. 3. The Regulations set forth in your telegram of 8th March, No. 1,† subject to alteration of Regulation No. 33 as agreed in your telegram of 10th March, No. 2,‡ satisfactorily fulfil my pledges, and you are therefore at liberty to act under the suspending clause and to proclaim in the Gazette that it is His Majesty's pleasure not to disallow the Ordinance.

No. 17.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 10 p.m., March 12, 1904.)

TELEGRAM.

(Extract.)

March 12. No. 1. Your telegram of 11th March, No. 2.§ Agent of Witwatersrand Native Labour Association will be agent of each group of mines here and will be

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* No. 11. † No. 10. ‡ No. 13. § No. 15.

instructed before signing contract with a labourer or batch of labourers as to particular group for which he is to sign, so that no transfer will be necessary on arrival of labourers.

No. 18.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 3.30 p.m., March 15, 1904.)

TELEGRAM.

15th March. No. 1.

Following is form of contract as amended:—

Begins: It is this day agreed between *A. B.* acting for and on behalf of *C. D.* carrying on business within the Witwatersrand district Transvaal, South Africa, and the labourers who are signatories to this contract in the presence of *E. F.* Transvaal Emigration Agent at and representing the Government of the Transvaal as follows:

1. The said labourers shall proceed to the said Witwatersrand district and shall there work for the said *C. D.* or for any person to whom the said *C. D.* may with the consent of the said labourers assign his rights under this contract in accordance with the provisions of the Labour Importation Ordinance 1904 and any Regulations made thereunder for a period of three years to commence from the date of the arrival of the said labourers in the Witwatersrand district subject to the following conditions:

1. Each of the aforesaid labourers so long as he remains in the Transvaal shall be employed only in unskilled labour (meaning thereby such labour as is usually performed in mines in the Witwatersrand district by persons belonging to the aboriginal races or tribes of Africa south of the equator) in the exploitation of minerals within the Witwatersrand district and in particular they shall not be employed in any of the trades or occupations following except for unskilled labour therein to wit:

[*Here follows List of Trades as in Schedule*† *to Ordinance.*]

2. Each of the said labourers shall for the period fixed in this contract only serve the said *C. D.* or any other person who has obtained a licence under the Labour Importation Ordinance to introduce labourers and to whom the rights of the said *C. D.* under this contract may have been duly transferred with the consent of such labourer.

3. Each of the said labourers shall on the determination of this contract by effluxion of time or otherwise be returned without delay at the expense of the said *C. D.* to (*here state port in China at which Labourer embarked*).

4. Each of the said labourers shall so long as he remains in the Transvall be subject to the provisions contained in the Labour Importation Ordinance and the Regulations made thereunder and more especially to such of the said provisions as are substantially set forth in the Schedule to this contract.

5. The labourers shall be paid at the rate of for each working day of ten hours payable on the completion of every thirty days' work in the currency of the Transvaal to commence from the arrival of the labourers on the premises of the said *C. D.*

6. Any labourer instead of working for day wages may if desired both by himself and the said *C. D.* do piecework at such rate as may be mutually

† See p. 50 of [Cd. 1941] March, 1904.

agreed upon between himself and the said *C. D.*, but only the actual days employed on such piecework shall be reckoned in the period of service.

7. The labourer shall be provided free of any charge with housing, water, fuel, medical attendance, and with daily rations on the following scale: 1½ lbs. of rice, ½ lb. dried or fresh fish or meat, ¼ lb. vegetables, ½ oz. tea, ½ oz. nut oil salt or approved substitute at discretion of Superintendent.

8. The said *C. D.* shall be bound to give work to each of the said labourers for six days in every week except on Sunday and on the days of Chinese festivals mentioned in paragraph 16 and on days when it is impossible for work to be done by reason of bad weather or other cause, and if any labourer willing and able to work has no work given to him to do on any day not included in the aforesaid exceptions he shall be entitled to his full day's working wages for every day so lost to him provided always that by mutual consent one or more days' leave may be given and taken without wages.

9. Each of the said labourers in the absence of any express agreement to the contrary and except in the case of sickness or of such bad weather or other good cause beyond his control as prevents his working shall be bound to work for ten hours in every twenty-four by day or night save on Sundays and on the days of Chinese festivals mentioned in paragraph 16.

10. The said *C. D.* shall not make any deductions from the wages of any of the said labourer(s) in respect of monies paid to him during his term of service save and (?) except such sum as has been advanced to such labourer by the said *C. D.* and set opposite his signature to this contract unless such monies have been paid with the consent in writing of an Inspector or Magistrate.

11. There shall not be reckoned in any labourer's term of service any period of imprisonment desertion or unlawful absence from work nor shall any labourer be entitled to any wages for any day during which he has been absent from work through sickness or other cause.

12. Each labourer acknowledges to have received from the said *C. D.* an advance of the amount set opposite to his signature which shall be deducted by instalments from his pay at the rate of

13. In the event of any labourer being killed or permanently injured in the course of his employment compensation will be paid by the said *C. D.* to him or to his next-of-kin as the case may be at following rates: In case of death, £ ; in case of permanent total disablement, £ ; in case of permanent partial disablement, £ .

14. Any labourer may at any time terminate this contract without assigning any reason on tendering to the said *C. D.* the expenses incurred in introducing him and his wife and children into the Transvaal, together with a sum sufficient to defray the expenditure necessary in returning them to (*here state port in China at which labourer embarked*).

15. Every labourer shall be entitled to be accompanied by his wife and children under the age of 10 years at the expense of the said *C. D.*, and every labourer who after being introduced into this Colony desires his wife and children under the age of 10 years to join him in the Transvaal may, provided that before or at the signing of his contract such labourer shall have registered with the official before whom this contract is signed the names and residence of his wife and children and the respective ages of the children, require the said *C. D.* to introduce them at his (the said *C. D's.*) expense, and on the said *C. D.* refusing to do so the labourer shall be entitled to terminate his contract and thereupon shall be returned to (*state port of embarkation*) in pursuance of his contract at the expense of the said *C. D.*, provided always that the wife and children of a labourer shall be maintained at his own expense after his arrival at the premises of the said *C. D.* where he is to be employed.

16. The Sundays and following Chinese festivals shall be holidays: Chinese New Year 3 days, Dragon Boat Festival 1 day, Full Moon Festival 1 day, Winter Solstice Festival 1 day.

Signed *A. B.* on behalf of *C. D.*

Each Labourer must here sign his name or make his mark.

at on this the day of .—*Ends.*

Following is amended form of licence to introduce labourers :—

Begins: In pursuance of the provisions of the Labour Importation Ordinance 1904 I hereby authorize (*here give name and description of person to whom licence is granted*) to introduce into the Witwatersrand District through the port of Durban, Natal (*state number of*) labourers from the port of (*state name of port of embarkation of labourers in China or Hong Kong*) to be carried to Durban in the ship (*state name of ship and of owner or charterer thereof*) to be employed in unskilled labour only in the (?exploitation) of minerals at the following mines situated in the Witwatersrand District (*here state mines at which labourers are to be employed with the number of labourers if possible at each mine*). This licence is granted on the terms and conditions of the Labour Importation Ordinance, 1904, and any Regulations made thereunder and more particularly on the condition that the labourers to be introduced under this Ordinance shall be carried from the port in China or Hong Kong at which they embark for Durban in any ship the master of which holds a certificate granted by the Transvaal Emigration official at the port of embarkation under Regulation No. 14 of the Regulations issued under the said Ordinance.

This licence may be cancelled and the holder thereof disqualified from again holding a licence on breach by him of any of the conditions on which the licence is issued.

Given under my hand and seal at this day of

Signed,

Lieutenant-Governor.

N.B.—This licence is to be returned to the Superintendent when the number of labourers mentioned has been introduced. *Ends.*

APPENDIX.

(I.)

(No. 38 of 1902.)

INDEMNITY AND PEACE PRESERVATION ORDINANCE, 1902.

Whereas it is desirable to withdraw Martial Law from this Colony and to indemnify acts matters and things in good faith advised commanded ordered directed or done while Martial Law was in force:

And whereas it is desirable in view of the withdrawal of Martial Law to make special provision for the maintenance of good order and government and the public safety of this Colony during such time as circumstances may require:

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. The following expressions in inverted commas shall have the meaning placed opposite to them:— Definition of terms.

"Constabulary" shall mean the South African Constabulary.
"Police Officer" shall mean any Officer of the Constabulary or Town Police not under the rank of Captain or Inspector respectively.

2. (1) From and after the date of the taking effect of this Ordinance Martial Law shall be and is hereby withdrawn from this Colony and all Proclamations and Regulations issued under the authority of Martial Law and all Proclamations signed by the Military Governor of Pretoria or Johannesburg shall become *ipso facto* of no force or effect. Withdrawal of Martial Law.

(2) Sub-Sections (1) and (2) of the Proviso to Section *sixteen* of the "Administration of Justice Proclamation 1902" shall be and are hereby repealed. Repeal of Laws.

3. It shall be lawful for the Governor at any time by Proclamation in the *Gazette* to withdraw any district of this Colony or any portion of a district from the operation of Part II. of this Ordinance or any portion thereof; such Proclamation shall also be published in some newspaper circulating in the district and printed copies thereof shall be affixed to the door of the Court House of the Resident Magistrate and of every Police Station in the district; provided always that the Governor may at any time thereafter proclaim that the whole or any portion of Part II. of this Ordinance shall be in force in any district or portion thereof from which it may have been withdrawn; notice of such Proclamation to be given in like manner as is provided in this Section in respect of a Proclamation for withdrawal. Governor may withdraw any district from operation of Part II. of this Ordinance.

PART I.

4. No action indictment or legal proceeding whatsoever shall be brought or instituted in any of the Courts of this Colony against His Excellency the Governor of the Transvaal or His Excellency the Lieutenant-Governor of the Transvaal or the Officer for the time being Commanding His Majesty's Forces in this Colony or against any person or persons acting under them or any of them respectively in any command or capacity civil or military for or on account or in respect of any acts matters and things whatsoever in good faith advised commanded ordered directed or done for the suppression of hostilities or for the maintenance of good order and Government or for the public safety of this Colony between the date of the commencement of a state of war between His Majesty's Government and the late Governments of the South African Republic and the Orange Free State and the date of the taking effect of this Ordinance; and any such action indictment or other proceeding which may have been commenced at the date of the taking affect of this Ordinance shall be discharged and become and be made void. Indemnity for certain Acts.

5. Every such person aforesaid by whom any such act matter or thing shall have been advised commanded ordered directed or done for the purposes aforesaid shall be freed acquitted discharged released and indemnified against all and every person and persons whomsoever in respect thereof. Certain persons indemnified.

6. Every such act matter or thing referred to in the preceding Sections shall be presumed to have been advised commanded ordered directed or done as the case may be in good faith until the contrary shall be proved by the party complaining. Presumption of good faith

7. The several sentences pronounced by Military Courts or by Courts established by proper Military authority and holden in this Colony during the existence of Martial Law upon persons tried by such Courts for offences against the law of this Colony as well as for contraventions of Martial Law Regulations are hereby confirmed; and all such persons confined in any prisons or other legal places of confinement in this Colony under or by virtue of such sentences shall continue liable to be confined there or elsewhere as the Lieutenant-Governor may direct until the expiration of the sentences respectively passed upon them or until their discharge by lawful authority; and such sentences shall be deemed to be sentences passed by duly and legally constituted Courts of this Colony and shall be carried out or otherwise dealt with in the same manner as the sentences of duly constituted Courts of Law of this Colony. Sentences pronounced by Military Courts confirmed.

Persons arrested for high treason under martial law to be deemed to have been lawfully arrested.

8. All persons who have been in good faith and under proper Military authority arrested for High Treason or other crime in this Colony during the existence of Martial Law and all persons who have been similarly committed to gaol and are there detained to await their trial for High Treason or other crime shall be deemed to have been lawfully arrested committed to and detained in gaol in the same manner and to the same extent as if they had been arrested and committed to gaol on warrants issued by persons authorised by Law to issue them.

Recognizances taken during existence of martial law to be of full force and effect.

9. Every recognizance taken during the existence of Martial Law upon which a person accused of High Treason or other crime has been admitted to bail shall be and is hereby declared to be of full force and effect.

Part II.

Special Provisions for Public Safety.

When person may be arrested without warrant.

10. It shall be lawful for any Magistrate Assistant Magistrate or Police Officer in any district to arrest or cause to be arrested without warrant any person in such district on reasonable suspicion of his having committed treason or any of the offences mentioned in Section *eighteen* of this Ordinance and to lodge such person in any gaol in the said district.

Gaoler bound to receive in custody persons arrested under Section *ten*.

11. Upon the written order of such Magistrate Assistant Magistrate or Police Officer as aforesaid the gaoler of the said district shall be bound to receive and detain in custody in the gaol thereof any such person arrested as aforesaid for such time as is specified in the said order or if no time is specified therein until the said gaoler receives an order from the Attorney-General or Official on whose order the said person is detained for such person's release notwithstanding that no charge is preferred against such person either at the time of his arrest or of his reception into gaol; provided that every such person shall be entitled to his discharge from gaol or custody unless within twenty-one days after such imprisonment criminal proceedings shall be commenced against him.

Magistrate to send statement in writing to Attorney-General containing full name of person arrested and all particulars relating to arrest.

12. As soon as a person is received into custody under the last preceding section the Magistrate shall forthwith submit to the Attorney-General a statement in writing containing the full name address and occupation of such person as far as can be ascertained and also a copy of the order on which such person was received into gaol together with all the information in his possession on which such order was issued.

Suspected person may be arrested in any other district to which he has removed.

13. Any person liable to arrest under Section *ten* who shall have removed from any district in which that Section is in force may be arrested in any other district; and the Magistrate of such last-mentioned district or any Police Officer therein shall on the application of the Magistrate of the first mentioned district cause such person to be arrested without warrant and detained in the gaol of the district in which he was arrested or removed to the gaol of the district from which such application as aforesaid was made. Upon such arrest the provisions of Sections *eleven* and *twelve* shall *mutatis mutandis* apply.

Person arrested may apply to Supreme Court or High Court for his discharge.

14. Should any person arrested under Sections *ten* or *thirteen* apply to the Supreme Court Witwatersrand High Court or to any Judge of the Supreme Court for his discharge from custody before the expiration of the twenty-one days mentioned in Section *eleven* it shall not be competent for any such Court or Judge to grant such discharge if satisfied that reasonable grounds exist for suspecting that the said person has committed treason or any of the offences mentioned in Section *eighteen* of this Ordinance.

Search of buildings in which treasonable documents are expected to be.

15. It shall be lawful for the Resident Magistrate or Assistant Resident Magistrate in any district or for any Police Officer serving therein on any information that there is reasonable cause to suspect that any person within such district is in the possession of any document written or printed of a seditious or treasonable character to search or cause to be searched any land building or premises of any kind whatever situated in such district or any wagon cart or other vehicle on or in which there are reasonable grounds for suspecting that such document may be found and to seize any such document as aforesaid without any warrant being issued or obtained for such search or seizure.

Penalty for obstructing Police constable engaged in searching.

16. Any person hindering or obstructing any Police Constable or other authorised person while engaged in any search under the provisions of this Ordinance shall be liable on conviction to be imprisoned with or without hard labour for a period not exceeding one year or to be fined a sum not exceeding one hundred pounds or to both such fine and imprisonment.

Stoppage of letters reasonably suspected of containing treasonable or seditious matter.

17. It shall be lawful for the official in charge of any Post Office to intercept any letter or other document or parcel sent through the post which he has reasonable grounds to suspect contains treasonable or seditious matter; such letter document or parcel shall be forthwith sent by him to the Resident Magistrate of the District together with a statement in writing of the grounds of suspicion and shall be opened by such Magistrate if satisfied that reasonable grounds of suspicion do exist as aforesaid; and in case such letter document or parcel be found on being opened to contain treasonable seditious or other criminal matter it shall be forwarded by the Resident Magistrate to the Attorney-General to take such action thereon as he may deem advisable; and in case such letter document or parcel shall be found not to contain treasonable seditious or other criminal matter it shall after being endorsed by the said Magistrate be forwarded to its destination.

Penalty for seditious acts writing and speeches.

18. Any one who speaks seditious words or does seditious acts or publishes a seditious libel or is party to a seditious conspiracy shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years or if he has previously been convicted

of any offence under this section to imprisonment with or without hard labour for a period not exceeding seven years.

Seditious words are words expressive of a seditious intention.

Seditious acts are acts done with seditious intention.

A seditious libel is a libel expressive of a seditious intention.

A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention.

A seditious intention is an intention—

(1) To bring His Majesty or the Governor or Lieutenant-Governor of the Transvaal in person into hatred or contempt; or

(2) To excite disaffection against His Majesty or the Governor or Lieutenant-Governor in person or the Government and Constitution of the United Kingdom or of the Transvaal as by law established or the administration of justice therein; or

(3) To incite His Majesty's subjects to attempt to procure otherwise than by lawful means the alteration of any matter in the Transvaal by law established; or

(4) To incite any person to commit any crime in disturbance of the public peace; or

(5) To raise discontent and disaffection amongst His Majesty's subjects; or

(6) To promote feelings of ill-will and hostility between different classes of His Majesty's subjects:

Provided that no one shall be deemed to have a seditious intention only because he intends in good faith;

(*a*) To show that His Majesty or the Governor or Lieutenant-Governor has been mislead or mistaken in his measures; or

(*b*) To point out errors or defects in the Government or Constitution of the United Kingdom or the Transvaal as by law established or in the administration of justice therein with a view to the reformation of such alleged errors or defects; or to urge His Majesty's subjects to attempt to procure by lawful means the alteration of any matter in the Transvaal by law established.

Permits required to enter Transvaal.

19. After the date of this Ordinance no person shall enter this Colony without a permit granted under the terms of this Ordinance unless—

(*a*) He was resident and within this Colony or the Orange River Colony on the 31st of May 1902 and has not since that date been expelled from or ordered to leave this Colony or the Orange River Colony.

(*b*) He has since the 31st of May 1902 and before the date of this Ordinance received a permit or other formal authorisation to enter this Colony from some duly constituted authority.

(*c*) He is a person coming within the provisions of Article 2 of the Terms of Surrender signed at Pretoria on the 31st of May 1902, and published in the *Gazette Extraordinary* dated 3rd June 1902.

(*d*) He is a person employed in His Majesty's Naval or Military Service or in the Civil Service or in any Police Force of this Colony or the Orange River Colony.

By whom permits may be issued.

20. Permits to enter the Colony under this Ordinance shall be granted by such persons as may be authorised to do so by the Governor and shall be in such form as the Governor may direct.

No such permit shall be granted to any person who having been a burgher of the South African Republic or the Orange Free State has not taken the Oath of Allegiance to His Majesty or made some declaration of equivalent import in form approved by the Governor. In all other cases it shall be in the discretion of the Governor to grant or refuse any permit.

Person found in Colony who has entered it without lawful authority may be ordered to leave.

21. It shall be lawful for the Colonial Secretary if he has reason to believe that any person is residing or sojourning in this Colony having entered it without proper authority to give notice thereof to any Resident Magistrate and such Magistrate shall thereupon summon such person to appear before him and if such person fails to satisfy the Magistrate that he has obtained a permit under this Ordinance or is exempt under the provisions of Section *nineteen* from obtaining such permit the Magistrate shall make a written order directing such person to leave the Colony within seven days unless before the expiration of that time he has received permission in writing from the Colonial Secretary to remain in the Colony; such permission shall have the same effect as a permit granted under this Ordinance.

Penalty for disobedience to order to leave Colony.

22. (1) If any person in whose case such order has been made is found within the Colony after the expiration of seven days after service of such order without having obtained permission from the Colonial Secretary as aforesaid he may be arrested and brought before a Magistrate and shall upon conviction be sentenced to imprisonment with or without hard labour for a period of not less than one month and not more than six months and with or without a fine not exceeding five hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

(2) If any person imprisoned under the terms of the preceding Sub-Section shall remain in the Colony for a period of more than seven days after the expiration of his term of imprisonment or any subsequent term of imprisonment imposed under this Section without obtaining permission in writing from the Colonial Secretary to remain in the Colony he may be arrested and brought before a Magistrate and shall on conviction be sentenced to imprisonment with or without hard labour for a period of not less than six and not more than twelve months and with or without a fine not exceeding five hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

Penalty for obtaining permit by improper means.

23. Any person entering this Colony on a permit not issued to him by a proper authority or obtained by him by any fraudulent means shall be liable to imprisonment with or without hard labour for a period not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and fine.

Dangerous persons may be ordered to leave Colony.

24. It shall be lawful for the Lieutenant-Governor on its being shewn to his satisfaction that there are reasonable grounds for believing that any person within this Colony is dangerous to the peace and good Government of the country to issue an order under the hand of the Colonial Secretary to such person to leave the Colony within fourteen days after service of such order. If on the expiration of the said period such person shall be found within the Colony he shall be proceeded against in similar manner and be subject to the like penalties as are provided in Section *twenty-two* of this Ordinance.

Lieutenant-Governor may make regulations for better carrying out objects of Ordinance.

25. It shall be lawful for the Lieutenant-Governor to make regulations for all or any of the following purposes and to provide penalties for any breach thereof not exceeding a fine of fifty pounds or imprisonment with hard labour for a period not exceeding three months or both such fine and imprisonment.

(*a*) For the more effectual carrying out of the provisions of this Ordinance.
(*b*) For preventing the wilful or reckless spreading of false intelligence calculated to create panic or alarm.
(*c*) For prohibiting the holding of meetings at which there is reasonable suspicion that seditious speeches will be made.
(*d*) For prohibiting the introduction into this Colony or circulation therein of any printed matter of a treasonable or seditious character.

Any regulations made under this section may be for any one or more districts, but shall only be of force after publication in the *Gazette*.

Nothing in Ordinance to prevent Proclamation of Martial Law when necessary.

26. Nothing in this Ordinance contained shall be deemed or taken to interfere with or to limit the power of the Governor to proclaim Martial Law throughout this Colony or in any district or districts thereof.

Title.

27. This Ordinance may be cited for all purposes as the "Indemnity and Peace Preservation Ordinance 1902."

Passed in Council the Twelfth day of November, One thousand Nine hundred and Two.

GERARD CRAIG SELLAR,
Clerk of the Council.

Authenticated under my Hand and Seal:—

ARTHUR LAWLEY,
Lieutenant-Governor.

Pretoria, 14th November, 1902.

Assented to:—

MILNER,
Governor.

Johannesburg, 15th November, 1902.

(II.)

(No. 5 of 1903.)

ORDINANCE

To Amend the Peace Preservation Ordinance of 1902.

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Repeal.

1. Sections *nineteen twenty twenty-one twenty-two twenty-three* and *twenty-four* of the Indemnity and Peace Preservation Ordinance No. 38 of 1902 are hereby repealed.

Permit required to enter Colony.

2. After the date of this Ordinance no person shall enter or reside in this Colony unless he is possessed of a permit issued to him under the provisions of this Ordinance or can give satisfactory evidence that he belongs to one of the following classes:—

(1) persons resident and actually in this Colony or the Orange River Colony on the 31st May 1902;
(2) persons who before the date of this Ordinance have received a permit or other formal authorisation to enter this Colony from some person duly authorised to issue the same;
(3) persons coming within the provisions of Article *two* of the Terms of Surrender signed at Pretoria on the 31st day of May 1902 and published in the *Gazette Extraordinary* dated 3rd June 1902;
(4) persons employed in His Majesty's Naval or Military Service or in the Civil Service or in any Police Force of this Colony or the Orange River Colony;

provided that the exemption in this section contained shall not apply to any person who has been expelled from or ordered to leave this Colony or the Orange River Colony.

Persons by whom permits may be issued.

3. Permits to enter the Colony shall be in the form prescribed by the Governor and shall be issued by such persons as he may appoint for that purpose.

Limitation on issue of permits.

4. (1) No permit to enter this Colony shall be granted to any person who having been a Burgher of the South African Republic or the Orange Free State has not taken the Oath of Allegiance to His Majesty or made some declaration of equivalent import in form approved by the Governor.

(2) Subject to the above limitation the granting or withholding of permits shall be in the absolute discretion of the Governor.

Persons called on to produce permits on pain of arrest

5. Any person entering or residing in this Colony may be called upon by any member of any Constabulary or Police Force or other person authorised thereto by the Colonial Secretary to produce a permit issued under this Ordinance or to give satisfactory evidence that he belongs to one of the classes exempted from the necessity of having such a permit under the provisions of Section *two*. If the person so called upon fails to produce such a permit or to give such evidence as aforesaid he may be arrested without a warrant and dealt with as hereinafter provided.

Persons arrested to be brought before a Magistrate.

6. Every person so arrested shall with all convenient speed be brought before a Magistrate and if he fails to satisfy the Magistrate that he is duly authorised to enter or reside in this Colony under the provisions of this Ordinance the Magistrate may make an order in writing directing such person to leave this Colony within such time as may be specified in such order provided that if such person declares upon oath that he has already obtained a permit and gives satisfactory reasons for his inability to produce the same or if he declares upon oath that he can produce satisfactory evidence that he belongs to one of the classes exempted from the necessity of obtaining a permit by the provisions of Section *two* hereof he may be released upon entering into a recognizance with or without sureties to produce before any Magistrate named in such recognizance and within the time stated therein such permit or evidence as the case may be. If such person fails to comply with the condition of his recognizance it shall be forfeited.

Penalties.

7. Any person who may be ordered to leave this Colony and fails to do so within the time specified in the order and any person whose recognizance has been forfeited under the provisions of the last preceding section may be arrested without warrant and brought before a Magistrate and shall upon conviction be sentenced to imprisonment with or without hard labour for a period of not less than one month and not more than six months and with or without a fine not exceeding £500 and in default of payment to a further term of imprisonment for a period not exceeding six months.

Further penalties for failure to leave Colony.

8. If any person imprisoned under the terms of the last preceding section shall remain in the Colony for a period of more than seven days after the expiration of his term of imprisonment or any subsequent term of imprisonment imposed under this section without obtaining permission in writing from the Colonial Secretary to remain in the Colony the burden of proving which shall be upon him he may be arrested without a warrant and brought before a Magistrate and shall on conviction be sentenced to imprisonment with or without hard labour for a period of not less than six and not more than twelve months and with or without a fine not exceeding five hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

Offences relating to permits.

9. Any person who

(1) obtains or attempts to obtain or incites any person to obtain or aids or abets any person in obtaining a permit by any fraud misrepresentation false pretence falsehood or other improper means;
(2) uses or attempts to use or incites any preson to use or aids or abets any person in using any permit so obtained;
(3) enters or attempts to enter this Colony on a permit so obtained or on a permit not issued to him by proper authority.

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shall be liable to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and such imprisonment.

Persons who may be ordered to leave Colony.

10. It shall be lawful for the Lieutenant-Governor on its being shewn to his satisfaction that there are reasonable grounds for believing that any person within this Colony is dangerous to the peace and good government of the country to issue an order under the hand of the Colonial Secretary to such person to leave the Colony within such time after service of such order as may be stated therein. If on the expiration of the said period such person shall be found within the Colony he shall be proceeded against in manner prescribed in sections *seven* and *eight* of this Ordinance and shall be subject to the penalties therein provided

Title.

11. This Ordinance may be cited as the Peace Preservation Ordinance 1903 and shall be read as one with the Indemnity and Peace Preservation Ordinance 1902.

Passed in Council the eighteenth day of February One thousand Nine hundred and Three.

CECIL E. HAWES,
Acting Clerk of the Council.

Authenticated under my Hand and Seal:

ARTHUR LAWLEY,
Lieutenant-Governor.

Pretoria, 23rd February, 1903.

Assented to:

MILNER,
Governor.

Johannesburg, 25th February, 1903.

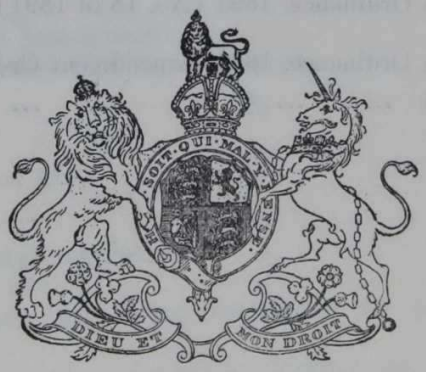
COOLIE IMMIGRATION.

IMMIGRATION ORDINANCES

OF

TRINIDAD AND BRITISH GUIANA.

Presented to both Houses of Parliament by Command of His Majesty.
April, 1904.



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IMMIGRATION ORDINANCES OF TRINIDAD AND BRITISH GUIANA.

I.

TRINIDAD.

IMMIGRATION ORDINANCE, 1899 (19 of 1899).

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TRINIDAD AND TOBAGO.

Immigration.

No. 19.—1899.

17*th July.*

AN ORDINANCE to consolidate and amend the Laws relating to Immigration.

[L.S.]

C. C. KNOLLYS,
Acting Governor,
30*th August*, 1899.

Whereas it is expedient that the Ordinances with regard to Immigration should be amended and consolidated in one Ordinance: Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

PRELIMINARY.

1. This Ordinance may be cited as "The Immigration Ordinance, 1899." Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation of terms.

"The Protector of Immigrants" includes the Sub-Protector and any Inspector or Assistant Inspector of Immigrants acting under the authority of the Protector of Immigrants:

"Protector of Immigrants" and "Protector" are synonymous:

"Sub-Protector of Immigrants" and "Sub-Protector" are synonymous:

"Inspector" and "Inspector of Immigrants" are synonymous.

"Employer" means the proprietor or lessee of a plantation to which immigrants are indentured or the attorney of such proprietor, and includes the manager for the time being in charge of such plantation:

"Manager" means the person for the time being having the personal charge or superintendence of a plantation and includes any overseer acting under his authority:

"Immigrant" means any person introduced into the Colony either wholly or in part at the expense of the Immigration Fund, and his children while he is under indenture; but this definition shall not affect the special definition of the term contained in Part X.:

"Adult" means an immigrant of or above the age of sixteen years:

"Minor" means an immigrant under the age of sixteen years and of or above the age of ten years:

"Infant" means an immigrant under the age of ten years:

"Adult," "Minor," and "Infant" respectively include an immigrant of uncertain age who has been estimated by the Protector of Immigrants to be an adult, minor, or infant, as the case may be:

"Ship" includes a sea-going vessel of any description:

"Indenture" and "Indentured" mean a contract of service registered under this Ordinance and a person subject to such contract respectively:

"Plantation" means any sugar, cocoa, coconut, coffee, cotton, rice, or plantain estate in cultivation, or any two or more estates if adjacent to each other and managed as one estate, or any other piece of land in cultivation under one management of the extent of at least five acres:

"Indian Training School" means any school established for the education and industrial training of the children of Indian Immigrants and certified under the hand of the Governor to be efficient for its purpose.

3. This Ordinance is divided into parts as follows:— Division of the Ordinance.

Part I.—The Immigration Department—Sections 6-25.
Part II.—Fiscal Provisions—Sections 26-31.
Part III.—Arrival and Allotment—Sections 32-71.
Part IV.—Indenture—Sections 72-80.
Part V.—Dwellings—Sections 81-87.
Part VI.—Rations—Sections 88-90.

Part VII.—Hospitals—Sections 91-108.
Part VIII.—Labour and Wages—Sections 109-134.
Part IX.—Leave and Desertion—Sections 135-156.
Part X.—Marriage, Divorce, &c.—Sections 157-193.
Part XI.—Transfer and Determination of Indentures—Sections 194-208.
Part XII.—Certificates of Exemption from Labour—Sections 209-211.
Part XIII.—Passports, Return Passages, and Unlawful Enlistment—Sections 212-224.
Part XIV.—Registers, Returns, and Certificates—Sections 225-232.
Part XV.—Procedure—Sections 233-247.
Part XVI.—Miscellaneous Provisions—Sections 248-276.

Forms. First Schedule.

4.—(1.) The forms set forth in the First Schedule to this Ordinance shall respectively be used for and in respect of the several matters in this Ordinance upon which reference is made to them in the margin by the respective numbers of such forms.

(2.) The Protector may, with the approval of the Governor and Executive Council, from time to time cause such forms to be varied or altered or dispensed with, and also additional forms to be framed, as occasion may require, for the purpose of carrying out the provisions of this Ordinance, and such varied, altered, or additional forms shall have the same force and effect as if they were incorporated in the said schedule: Provided that every such form shall be first published in the *Royal Gazette*, and that copies thereof shall be sent by the Protector to all persons required under penalties by this Ordinance to fill up and use any form for which such form may have been substituted.

Naming of places of emigration.

5. The Governor may, with the advice and consent of the Executive Council, by Proclamation name the ports or places from which immigration is permitted to this Colony under this Ordinance.

PART I.

The Immigration Department.

The Protector of Immigrants.

Appointment and salary of Protector of Immigrants.

6.—(1.) Her Majesty may appoint some fit and proper person to be Protector of Immigrants.

(2.) He shall receive such salary as may be assigned to him by the Legislative Council.

General duties of the Protector of Immigrants.

7.—(1) The Protector of Immigrants shall be the head of the Immigration Department, and shall be responsible to the Governor for the efficient performance of its duties but not of the duties of the Medical Officers and for the proper carrying out of the provisions of this or any other Ordinance, whether passed before or after the commencement of this Ordinance, relating to immigration.

(2.) He shall also keep the Registers of the Immigration Department, and shall exercise and perform such other functions and duties in relation to immigration as may be prescribed by this or any other Ordinance, whether passed before or after the commencement of this Ordinance, or as may be entrusted to him by the Governor.

(3.) The Protector of Immigrants shall be Secretary to the Governor for immigration matters.

General powers of the Protector of Immigrants.

8.—(1.) The Protector of Immigrants may at any time enter into and upon any plantation on which indentured immigrants may be employed, and inspect the condition and general treatment of the immigrants and the condition of their dwellings, and of the yards and grounds about the same, and of the hospital accommodation, and may inquire into any complaint which the employer may have against any immigrant, or which any immigrant may have against the employer, or which may be reported to him by the Surgeon-General or be otherwise brought to his notice, and may require any immigrant to be brought before him on any such visit, and may, either before or after such inquiry, lay an information or make a complaint in his own name, on behalf of any such immigrant, against the employer or against any other person before the Magistrate of the district, and may, if necessary, lay such

information or make such complaint in any other court of Justice of the Colony, other than that of the Magistrate of the district, having jurisdiction to hear, try, and determine the offence or other matter charged against such employer or other person.

(2.) The Protector of Immigrants shall watch the proceedings on any such information or complaint on behalf of such immigrant, or may, if necessary, carry the same for review by way of appeal before any superior court having jurisdiction in the case, and may in such superior court retain the services of counsel, and may in all respects act on behalf of such immigrant as if he himself were the principal in the cause; and he shall report the course of such proceedings from time to time, and the final result thereof, to the Governor.

Sub-Protector of Immigrants.

Appointment and salary of Sub-Protector of Immigrants.

9.—(1.) The Governor may appoint some fit and proper person to be Sub-Protector of Immigrants.

(2.) He shall receive such salary and allowances as may be assigned to him by the Legislative Council.

General duties of the Sub-Protector of Immigrants.

10.—(1.) The Sub-Protector of Immigrants shall act as an assistant generally to the Protector in the performance of his duties.

(2.) In the absence of the Protector anything which may by law be done or suffered by the Protector may be done or suffered by the Sub-Protector.

(3.) The Sub-Protector shall be stationed at the Immigration Office in Port-of-Spain.

Inspectors.

Appointment, duties, and salaries of Inspectors, &c.

11.—(1) The Governor may appoint such and so many fit and proper persons to be Inspectors, Assistant Inspectors, Clerks, Interpreters, and other officers residing in the Colony respectively as may be necessary for the performance of the ordinary duties of the Immigration Department.

(2.) The Governor may assign to any such officer a district or place within which to act in the performance of his duties, and may at any time remove him from one such district or place to another.

(3.) Every such officer shall receive such salary and allowances as may for the time being be assigned to him by the Legislative Council.

Medical Officers.

Power to the Surgeon-General to visit plantation, &c.

12. The Surgeon-General may whenever he thinks fit personally visit or depute any District Medical Officer to visit any plantation on which there are immigrants, and inspect the dwellings of the immigrants, the yards and grounds about the same, and the hospital, and all books and registers kept in connexion with the hospital.

The Surgeon-General shall receive for the services he is required to perform under this Ordinance a salary at the rate of One Hundred Pounds per annum, and such salary shall be paid from the funds applicable to Immigration.

Appointment of Medical Visitors of plantations.

13. It shall be lawful for the Governor from time to time to appoint such persons as he shall see fit, being Members of the Medical Board of the Island, to be Medical Visitors of plantations, and to assign to each of such visitors a district to comprise such part of the Island as the Governor may see fit, and the person so appointed shall hold office during the pleasure of the Governor, and any such Medical Visitor shall act as the Medical attendant of the hospitals certified under this Ordinance within the district assigned to him.

Requisition for special visit of Government Medical Officer.

14. Whenever it appears to the Protector to be necessary to require, under the provisions of this Ordinance, that a special visit should be made to a plantation, or to require the presence and assistance of a Government Medical Officer in conducting any investigation under the provisions of this Ordinance on a plantation, the Protector may make a requisition to the Surgeon-General for the services of a Government Medical Officer for such purpose, and the Surgeon-General shall thereupon cause such services to be rendered.

Work of the Department.

Powers of supervision, &c., of the Protector of Immigrants.

15.—(1.) Subject to the control of the Governor, the Protector shall have authority over the Sub-Protector, Inspectors, Assistant Inspectors, Clerks, Interpreters, and other persons employed in the Immigration Office, and shall, subject to the provisions of the next succeeding section, assign to each his duties, and may delegate to the Sub-Protector or any Inspector the exercise or performance of any of his functions or duties, but without diminution of his own responsibility, and may also employ such persons as he may deem necessary as interpreters or judges of work under the provisions of this Ordinance, and may award any such person for his services a sum not exceeding five dollars for each day on which he may be so employed.

(2.) All expenses so incurred by the Protector, or by any subordinate officer under his directions, shall be paid from the Immigration Fund.

Visiting of plantations by Inspector.

16.—(1.) It shall be the duty of every Inspector, whenever so required by the Protector, upon some day of which he may give previous notice to the manager, to visit every plantation on which there are indentured immigrants; to enquire into all cases of unlawful absence from work, to receive and take cognizance of any complaints of immigrants, and thereupon to give advice, to conduct investigations, and to institute prosecutions, as the circumstances may require; and to assist the Magistrate, if required, in the estimation of wages.

Power to Protector to grant warrant.

(2.) The Protector may grant a warrant for the immediate arrest of any person who upon any such investigation may appear to him to have been guilty of any breach of the peace or of any offence against this Ordinance.

Power to summon witness on inquiry. Form No. 1.

17.—(1.) The Protector or any Inspector may summon any person as a witness whose evidence he considers necessary for the proper determination of any inquiry held by him under this Ordinance.

(2.) The summons shall be delivered to the Chief Officer of Police of the district by the Protector or Inspector who shall cause the same to be served in the same manner as a summons issued by a Magistrate is required to be served.

(3.) Every person on whom any such summons has been duly served who, without any reasonable excuse, refuses or neglects to attend at the time and place mentioned in such summons shall be liable to a penalty not exceeding Five Pounds.

Administration of oath on inquiry. Forms Nos. 2 and 3.

18.—(1.) The Protector or Inspector may require every statement given by any person at any inquiry held by him under this Ordinance to be given upon oath, and for such purpose he is hereby authorized to administer to every such person an oath.

(2.) Every person who refuses to be so sworn when thereto required shall be deemed to have hindered the Officer holding the inquiry in the execution of his duty, and shall be liable to be punished accordingly.

(3.) Every person who, after being so sworn, wilfully makes a false statement as to any matter material to the proper determination of the matter then in question shall be deemed guilty of perjury and shall be liable to be indicted and, if convicted, to be punished accordingly.

Taking of evidence on inquiry.

19.—(1.) The Protector or Inspector shall, when holding any inquiry under this Ordinance, take down in writing, if necessary, the material portions of the statements made by the employer, by the immigrant, or by any witness, and may require all parties to sign such statement if the same has been correctly taken down.

(2.) Every employer or witness or immigrant who refuses to sign, or, if he is unable to write, to put his mark to the statement made by him, if the same has been correctly taken down, when required so to do by the Officer holding the inquiry, shall be deemed to have hindered such Officer in the execution of his duty, and shall be liable to be punished accordingly.

Power to require production of labour books.

20.—(1.) The employer of any indentured immigrant shall be bound to produce to the Protector whenever required so to do and as often as may be required, each and every book of accounts kept by such employer in any way relating to the labourers employed on the plantation or in any way showing the wages paid to such labourers or to any of them, and to permit the Protector to make copies of the same or of any portion thereof.

(2.) If any such employer refuses or neglects so to do, when thereto required, he shall be deemed to have hindered the Protector in the execution of his duty, and shall be liable to be punished accordingly.

21. Every immigrant who refuses or neglects to obey any lawful and reasonable command of the Protector or of any Inspector, and every person who molests, hinders, or opposes any Officer acting under this Ordinance in the execution of his duty, or in the exercise of any of the powers or authorities conferred upon him by this Ordinance, shall be liable to a penalty not exceeding Twenty Pounds or to imprisonment, with or without hard labour, for any term not exceeding six months. Refusing to obey Protector or Inspector, or molesting officer in execution of duty.

22. All travelling expenses incurred by any Officer of the Immigration Department or by the Surgeon-General or by any Officer deputed by him in the performance of his duties, and attested by proper vouchers, shall be paid from the Immigration Fund. Travelling expenses.

Emigration Agencies.

23.—(1.) The Governor may appoint some fit and proper person to be Emigration Agent to superintend the emigration of labourers from any port or place from which immigrants may be introduced into this Colony, and such person so appointed shall hold office during the Governor's pleasure. Appointment and salary of Emigration Agent.

(2.) Every such Emigration Agent shall receive such salary and allowances as may for the time being be assigned to him by the Legislative Council.

24.—(1.) The Governor may, upon the recommendation of the Emigration Agent in any such port or place, appoint such and so many fit and proper persons as may be necessary as Clerks, Interpreters or otherwise, to be employed in the work of the Emigration Office of this Colony in such port or place. Appointment and salaries of Clerks, &c., to Emigration Agent.

(2.) Every such person shall receive such salary and allowances as may for the time being be assigned to him by the Legislative Council.

25.—(1.) Every Emigration Agent shall transmit his accounts to the Protector, with proper vouchers, at such times as the Governor may direct. Accounts and expenses of Emigration Agent.

(2.) The amount of all necessary expenses incurred by any such Emigration Agent in the collection, maintenance, medical attendance, and inspection of emigrants and for their conveyance to this Colony, and of all just and reasonable expenses incurred by him in or incidental to the sending back to their homes of any emigrants who may be rejected at the port of embarkation, or in or incidental to the sending back to the port from which they sailed of any emigrants entitled to free return passages under this Ordinance, which may be attested by proper vouchers, shall be paid from the Immigration Fund.

PART II.

Fiscal Provisions.

26. For the purposes of this Ordinance there shall be a fund, to be called the Immigration Fund, which shall be administered by the Receiver-General, subject to the control of the Governor. Establishment of Immigration Fund.

27. The Immigration Fund shall be credited with all sums received on account of indenture fees, on account of the Immigration tax levied by any Ordinance for the time being in force, on account of any vote in aid of immigration for the time being made by the Legislative Council, and on account of all other matters, and shall be debited with the whole annual cost of immigration under this Ordinance. Formation of and charges upon the Immigration Fund

28. Every employer to whom any immigrant shall be indentured shall be charged with the payment to Her Majesty, Her Heirs and Successors of the sum of Five Pounds as fees on the indenture of such immigrant of which sum one-fifth part shall be paid previously to the execution of the indenture or the endorsement by the Protector of the contract of service and a like fifth part shall be paid annually at the commencement of the second year and every subsequent year and all such payments shall be made although such immigrant shall have died or become incapable of work, or shall have been absent from the plantation in respect of which he shall have been indentured: Provided always that when the indenture of any such immigrant shall be cancelled by the order of the Governor or such immigrant shall before the expiration of his term of service obtain from the Protector a Certificate of Exemption from Labour, such employer shall be discharged from any further payment in respect of such immigrant. Employer to be charged with indenture fee.

Penalty on non-payment of fees.

29. Where any fees or other sums of money payable by any employer in respect of any indentured immigrant under this Ordinance shall remain unpaid for a period of one month after they shall have become due, the employer shall be subject to a penalty at the rate of ten per cent. on the amount of such fees or other sums of money, to be paid and recovered together with such fees or other sums of money.

Indenture fees to be a first charge on plantation.
Form No. 4.

30. All Fees on indenture payable to Her Majesty under this Ordinance shall be a first charge on the plantation named in the indenture of the immigrant in respect of whom such monies shall be payable and shall be paid by the person in possession of such plantation to the Receiver-General on the last day of the month in which such fees shall be payable, and every employer or his agent shall make out and deliver to such Receiver-General a return or list in duplicate showing the name of the plantation, and the names and distinguishing numbers of the immigrants in respect whereof any such fees of indenture shall be payable and shall pay the amount of all such fees, and the Receiver-General shall at the foot of each such return certify the payment of such fees and shall deliver one such return so certified to the person paying such fees and shall deliver the other such return to the Protector to be kept by such Protector.

Advances to be paid from Immigration Fund.

31. The amount advanced to any indentured immigrant previous to his embarkation shall be paid from the Immigration Fund.

PART III.

Arrival and Allotment.

Application.

Making of application for immigrants.
Form No. 5.

32. Every employer who desires to obtain an allotment of immigrants shall, on or before the first day of February, or such other day in each year as may be from time to time fixed by the Governor, send in to the Protector an application in writing on a prescribed form specifying the number of immigrants required, the name and situation of the plantation to which he wishes such immigrants to be assigned, and the name of the proprietor or lessee of such plantation; and the Protector shall register every such application in the Register of Applications for Immigrants.
Form No. 6.

Subsistence of application notwithstanding death, &c.

33. No application shall be rendered invalid, or be in any way affected, by reason of the death, bankruptcy, or absence of the employer by whom such application was made, or by reason of the sale by private contract, or at execution sale of the plantation in respect of which such application has been made, and no application duly made may be withdrawn without the permission of the Protector.

Application by Head of Department.

34. The Head of any Department of the Public Service may, with the sanction of the Governor, apply for the allotment of such immigrants as may be required for the service of the Colony in his Department, and shall be considered, for the purposes of this Ordinance, as the employer of such immigrants as may be allotted in consequence of such application.

Refusal of application.

35. Nothing in this Ordinance shall be held to interfere with the power of the Protector, subject to the control of the Governor, to refuse any application for immigrants, or to refuse to deliver immigrants applied for on the arrival of such immigrants, if he sees reasonable grounds for such refusal, but every such refusal and the grounds thereof shall be communicated to the employer as soon thereafter as possible, and also to the Governor.

Determination of number of immigrants to be introduced.

36. When the applications for immigrants have been completed in any year, a list of such applications shall be submitted by the Protector to the Governor, and the question how far and in what proportions they can be complied with shall thereupon be considered and determined by the Governor and Legislative Council.

Immigrants Introduced at Private Expense.

Immigrants may be introduced at private expense.

37. Whenever any person shall be desirous of having any immigrants introduced into the Colony for the particular service and at the expense of such person, it shall be lawful for the Governor on application in writing, by or on the behalf of such person, and on security being given by or on behalf of such person to the

satisfaction of the Governor for the payment of the expenses to be incurred in the introduction of such immigrants, to make order for the introduction of such immigrants in addition to the number of immigrants to be introduced at the public charge.

Applicants to pay cost of introduction.

38. Every person applying for any immigrants under the preceding section shall on the arrival of such immigrants pay into the Colonial Treasury the amount payable by the Government for the passage and gratuities of such immigrants including such children as shall accompany such immigrants, and also a further sum not exceeding Three Pounds Fifteen Shillings for every statute adult as the costs of agency and other expenses in the collection of such immigrants as shall have been embarked.

Immigrants so introduced to be indentured.

39. On such payments being made the immigrants who shall have been so introduced shall be indentured to the employer for whose service they shall have been introduced, and in respect of such plantations as shall be appointed by or on behalf of such employer; and every such immigrant shall be deemed an immigrant within the meaning of this Ordinance, and shall be bound for a service of three years on the plantation in respect of which he shall be indentured; and the indenture of such immigrant shall at the expiration of the third year and again at the expiration of the fourth year be deemed to be extended for one year, unless such immigrant shall obtain a certificate of industrial residence, or be re-indentured in the manner provided by this Ordinance.

No fee payable in respect of immigrant

40. No fee or other payment shall be payable in respect of the indenture of any such immigrant so long as he shall remain in service on the plantation in respect whereof he shall be so indentured.

Redemption money to be paid to owner.

41. In case any such immigrant shall before the expiration of an industrial residence of five years redeem by payment any portion of his industrial residence or be indentured to any other employer, the Protector shall hand over to the owner of the plantation in respect of which such immigrant shall have been originally indentured all sums of money which shall be paid to such Protector by such immigrant for the redemption of any portion of his industrial residence or on his being indentured to a new employer.

Power of Governor to cancel indenture

42. The Governor and the Protector respectively may by notice in the *Royal Gazette* cancel the indenture of any such immigrant for any cause which may be sufficient within the meaning of this Ordinance, and in every such case all sums of money which shall from time to time be paid by such immigrant or any new employer of such immigrant to the Protector shall from time to time be paid over by the Protector to the owner of the plantation in respect of which such immigrant shall have been originally indentured.

Immigrants from places other than British India.

43. The introduction of immigrants from any place or places not within British India shall be conducted in the manner hereinafter provided, and no immigrant from any place or places aforesaid shall be introduced except in terms of the provisions of this Ordinance. The immigrants so introduced shall, under the conditions and in the manner hereinafter specified, be competent to enter into contracts of service for any period not exceeding five years.

License from Governor for introduction of immigrants.

44. Any person desirous of introducing into the Colony such immigrants shall, previous to the departure of the vessel from Trinidad—if such vessel be chartered in the Colony, apply to the Governor for a license authorising such introduction; and the Governor shall have power, if he thinks fit, to grant the same under such conditions as to him may seem proper.

Licence in certain other cases.

45. In case the vessel by which it is desired to introduce such immigrants shall be chartered at any place without the Colony of Trinidad, such license may be granted by any British Consul, Agent, or Emigration Agent at or near such place whom the Governor shall authorise to grant the same; but no license shall be valid unless granted under such conditions as the Governor of Trinidad may direct.

License limited.

46. Every license to be granted under the provisions hereof shall be limited to the vessel and to the place or places which shall be specified therein, and shall require to be renewed upon every successive voyage.

Master to provide immigrant with food.

47. No license shall be granted to the master of any ship to carry immigrants to Trinidad unless he enters into a Bond to provide for and furnish to every such immigrant such quantity of good and wholesome food as may from time to time

be specified by the Governor of Trinidad for his daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such ship or vessel at Trinidad.

ARRIVAL.

Inspection of ship with immigrants on arrival.

48. On the arrival in the port of Port-of-Spain of any ship having immigrants on board, the Protector, assisted by a Medical Officer, shall inspect the ship and immigrants, and ascertain whether the provisions of the following Acts of Parliament, namely the 16th and 17th Vict., cap. 84, the Chinese Passengers Act, 1855, and the Passengers Act, 1855, and of any other statute in that behalf now or hereafter to be in force, so far as they may be applicable, have been complied with, and shall report to the Governor the condition of such ship and immigrants, and shall transmit with such report the Surgeon Superintendent's return of deaths and births and certificate of performance by the owners of the covenants and conditions of the charter-party, and also a certificate of the amount due for freight to such owners, and shall likewise require and transmit the report of the Medical Officer who has assisted him in the inspection.

Disposal of sick immigrant on board ship.

49. The Protector shall, with the assistance of the Government Medical Officer and of the Surgeon Superintendent of the ship, examine the sick, if any, among the immigrants on board, and shall cause such of them as may need it to be detained at the Immigration depôt or to be sent to the Colonial Hospital, and shall transmit with them a list, signed by the Medical Officer who has assisted him in the inspection, stating the name, sex, age, disease, and length of time under treatment of every immigrant so sent, and the number by which he was designated on board ship.

Board and lodging of immigrant on arrival.

50. Every immigrant arriving in the Colony shall be provided with food and lodging in the Immigration Depôt, until he is allotted and delivered to an employer: Provided that if an immigrant is, in the opinion of the Protector, not capable of performing service under indenture, such immigrant may be detained at the Depôt until he can be returned to the port or place from whence he came or until he is otherwise dealt with by the Protector.

Contract of immigrant valid when approved by Protector.

51. If any labourer arriving in this Colony from any port or place other than British India from which Immigration shall have been permitted by Proclamation shall before his arrival have contracted with any person to perform service in this Colony, such contract shall when approved and countersigned by the Protector and subject to such alterations as the said Protector may with the consent of the parties have made therein be valid in this Colony for the full period named in such contract not exceeding five years; Provided that except as hereinafter mentioned no such contract shall be approved and countersigned, unless the same shall purport to have been signed with the names or marks of the contracting parties and attested by some Notary Public or British Consul, or by some other person approved by or acting under the authority of Her Majesty's Government, who shall declare that the parties entered into it voluntarily and with a full understanding of its meaning, nor unless the Protector shall be satisfied that the immigration has been carried on in accordance with all existing regulations of the Imperial and the Colonial Government.

Protector to keep Register. Form No. 7.

Form No. 8.

52. The Protector shall keep a separate Register in the Form No. 7 hereunto annexed, for the immigrants introduced from elsewhere than British India. A ticket shall also be given to each of such immigrants in the Form No. 8 hereunto annexed, in which shall be specified the period for which the said immigrant is competent to engage.

Protector not to issue ticket in certain cases.

53. It shall not be lawful for the Protector to issue any tickets to any such immigrant, unless proof shall have previously been given to him that the person desiring to engage such immigrant has paid or satisfied the owner, agent or master of the vessel in which the said immigrant was brought, for the passage money, and all other expenses due in respect of such immigrant, as the same shall be fixed in the manner herein provided or unless the said master, owner, or agent shall consent to such ticket being issued. But provided that the said Protector shall be entitled, and on application therefor shall be bound to issue a ticket authorising an engagement for any period not exceeding one year to any immigrant who shall have been allowed to land or to remain in the Colony, or who shall have been under the charge

of the said Protector as aforesaid for any period longer than fourteen days without having been engaged in terms of the preceding articles hereof.

Engagement of immigrant by any person other than one arranging for introduction.

54. In case any person shall have made arrangements with the master, owner, or agent of any vessel for the introduction of such immigrants, with a view to their engagement with himself in terms of this Ordinance; and in case any of the immigrants introduced in consequence of such arrangements shall be induced to engage with another person, such other person shall in addition to the passage money and all other expenses payable as aforesaid on account of the immigrants so to be engaged by him, and previous to the issuing of a ticket as herein aforesaid, pay to the Protector 25 per cent. on the amount thereof, which 25 per cent. shall be paid by the Protector to the person by whom such arrangements for the introduction of the said immigrant shall have been made. Provided that previous to the departure of the vessel from the Colony for the purpose of bringing such immigrants, if the vessel shall be chartered there, or from any other place where she shall be chartered for such a purpose, such person shall have transmitted to the Protector a certificate signed by himself and by the master, owner, or agent of the vessel as nearly as may be in Form No. 9 hereunto annexed; and also provided that the said Protector shall be satisfied from entries in the ship's books, or any other evidence that the immigrants in respect of whom the said 25 per cent. shall be claimed, were embarked under the said arrangement on account of the person claiming the same.

Form No. 9.

Penalty for ill-treatment of immigrant during voyage.

55. The master of any ship or vessel by which immigrants shall have been brought to Trinidad from any port or place as aforesaid who shall not have furnished to such immigrants, during the voyage, a sufficient quantity of good and wholesome provisions and water, or who shall in any way ill-treat any such immigrant while on board his vessel, shall incur a penalty not exceeding One Hundred Pounds, and, in default of payment shall be imprisoned for a period not exceeding twelve months.

Passage money to be paid by first employer of immigrant.

56. The passage money and the expenses of introduction shall be in no case a debt recoverable from such immigrant, but shall be paid by the employer with whom any such immigrant may first enter into a written contract of service.

Application of certain provisions of this Ordinance.

57. The provisions of this Ordinance relating to forfeiture of wages, rations, and penalties incurred for unlawful absences from work, and any law relating to the recovery of wages and arrears of wages, the providing of rations and medical treatment, and annulling or cancelling of contracts of service, are hereby extended to immigrants engaged and introduced from any port or places as aforesaid.

Allotment.

Order of allotment.

58. Allotment shall, in the first place, be made to the Head of any Department of the Public Service of such immigrants as he may have applied for, and afterwards to the several employers who have made application, in such order as the Governor may from time to time direct, and in such manner as the Protector may determine.

Allotment for domestic service.

59. The Protector may allot immigrants under this Ordinance for domestic or other service when all the approved applications for immigrants have been complied with, or when any particular immigrants are, in his opinion, by their physical condition or previous occupation, more fitted for employment in domestic or other service than for agricultural labour: Provided that no such allotment shall be made without the consent of the immigrant proposed to be so allotted.

Conditions of allotment.

60. In making an allotment, husbands shall not be separated from their wives, nor minors and infants from their parents or natural guardians, and, so far as may be possible, members of the same family and neighbours from the same village, and persons who may agree in representing themselves to be friends and associates, shall not be separated from each other.

Indenture fee payable in respect of immigrant not able-bodied.

61. In any allotment the Protector shall, with the assistance of a Government Medical Officer, distinguish every immigrant who is, in his opinion, not able-bodied and not capable of performing service as an agricultural labourer. Provided that the classification on arrival as able-bodied or otherwise shall not be regarded as applying to the whole period of indenture, if the circumstances in any case otherwise require.

Mode of indenture. Form No. 10. Form No. 11.

62.—(1.) On the completion of every allotment or other disposition of immigrants on introduction, the Protector shall register every immigrant included in such allotment or disposition in the General Register of Immigrants introduced into the Colony, distinguishing, to the best of his ability, such as are adults, minors, and infants respectively, and shall number therein each of such immigrants by a particular number, commencing from the last number borne on such register and proceeding by regular numerical progression, and shall deliver to the employer an Indenture List, signed by himself, and a duplicate of such list shall be signed and delivered by the employer to the Protector.

(2.) On the delivery of such list, every immigrant mentioned therein shall become bound by such indenture.

(3.) The Protector shall also transmit to the Receiver-General a return showing the number of immigrants included in such allotment, and the sums payable by way of indenture fees or otherwise in respect of such immigrants.

Detention of immigrant after allotment at the depôt.

63. If any employer to whom an allotment is made does not take away the immigrants allotted to him within four days after receiving notice that they are ready for delivery, or if the Protector deems it necessary to detain such immigrants at the Depôt on account of satisfactory accommodation not having been provided for them at the plantation to which they are allotted, or for any other cause which, in the opinion of the Protector, renders such detention necessary, the employer shall pay to the Immigration Fund at the rate of sixteen cents for each adult immigrant, and eight cents for each minor and infant immigrant for every day that such immigrant remains at the Depôt.

Immigrant not allotted to be provided for.

64. If any immigrants shall not on their arrival be immediately allotted to any employer, the Protector shall provide them with food and lodging until the means of earning their own subsistence be procured for them and shall in the meantime employ them in such manner as the Governor may from time to time direct, and the cost of such food and lodging shall be borne by and paid from the Immigration Fund.

Annual publication of list of ships and of allotment of immigrants.

65. The Protector shall, as soon as possible, after the first day of April in every year, publish in the *Royal Gazette* a list of all ships which have arrived with immigrants, and a statement of the allotment and distribution of such immigrants, during the preceding season.

No allotment of immigrant paying expenses of introduction. Form No. 12.

66. The Protector may at the request of any immigrant and on his paying to the Protector all the expenses incurred in respect of his introduction into the Colony not allot any such immigrant to any plantation and such immigrant shall thereupon be entitled to a Certificate of Exemption from labour.

No allotment in certain other cases.

67. Where it shall be shown by the returns to be made under the provisions of this Ordinance, or it shall be otherwise made to appear to the satisfaction of the Protector, that thirty per cent. of the adult male immigrants indentured to any plantation have during the twelve months ending on the thirtieth day of June of any year earned a less amount of wages than will give an average for each of such immigrants of sixpence for every day during the twelve months, it shall not be lawful for the Protector to make any further allotment to such plantation from the immigrants who may be introduced into this colony during the year next ensuing after such thirtieth day of June. Provided that in computing for the purposes of this section the number of immigrants indentured and the number earning such less amount there shall be excluded all immigrants so indentured who are for the time being

(*a.*) Dead.

(*b.*) Blind or otherwise totally disabled from permanent ill-health, accident, or physical infirmity, including any person to whom a certificate of exemption has been granted under the provisions of Section 211, or classified as not able-bodied under Section 61 hereof;

(*c.*) In prison awaiting trial, or under conviction for any offence punishable with imprisonment with hard labour for six months.

Provided also that it shall be lawful for the Governor to relieve any plantation from the operation of this section when good reason is shown to his satisfaction for a larger proportion of the adult male indentured immigrants on such plantation earning during the said period a less amount of wages than will give such six pence a day.

Death Rate.

Annual return of death-rate.

68. The Protector shall, as soon as may be after the thirtieth day of June in each year, make a return certifying in respect of each plantation the death-rate upon such plantation during the year ending on such thirtieth day of June, and also the mean death-rate, ascertained as in this Ordinance is mentioned, of such plantation.

Form No. 13.

The Protector shall also make a return certifying for the period of five years ending on the last preceding thirtieth day of June the general mean death-rate among indentured immigrants throughout the Colony.

The Protector shall exclude from the computation of any death-rate, deaths arising from the sentence of the law, murder, suicide, manslaughter, and if he sees fit from unavoidable accident, or epidemic disease.

The returns mentioned in this section shall be published in the *Royal Gazette*. A copy of the *Royal Gazette* purporting to contain any such return shall be conclusive evidence of the contents of such return and of the facts certified in such return.

Mode of ascertaining mean death-rate.

69. The mean death-rate of any plantation shall be ascertained as follows:—

1. In the case of a plantation upon which indentured immigrants have been employed for a period of not more than one year by taking the actual death-rate of such period among indentured immigrants;
2. In the case of a plantation upon which indentured immigrants have been employed for a period of more than a year but not more than five years by taking the mean annual death-rate for the whole of such period among indentured immigrants; and
3. In the case of a plantation upon which indentured immigrants have been employed for a period of more than five years by taking the mean annual death-rate for the last five years of such period among indentured immigrants.

Excessive death-rate.

70. The death-rate of any plantation shall be deemed excessive under the following circumstances:—

1. In the case of a plantation as to which the last death-rate returns extend over a period of less than three years where the mean death-rate of such plantation as shown by such returns exceeds six per cent.; and
2. In the case of a plantation as to which the last death-rate returns extend over a period of not less than three years, where the mean death-rate of such plantation shown by such returns exceeds by one per cent. or more the general mean death-rate of indentured immigrants shown by the same returns.

"Last" in this section means last published in the *Royal Gazette* pursuant to this Ordinance.

Consequences of excessive death-rate.

71. Where the mean death-rate of any plantation as shown by the death-rate returns is excessive, the Protector shall not, unless under the authority of the Governor signified by writing under his hand, make in the year following the day up to which the returns are made any allotment of immigrants to such plantation, nor shall he in any subsequent year unless satisfied that an allotment may be made with due regard to the health of the allotted immigrants make any such allotment.

PART IV.

Indenture.

Right of immigrant to enforce previous contract made with him.

72. If any immigrant is introduced into the Colony under a previous contract entered into with any Emigration Agent or other officer of the Emigration Office of this Colony in the country from which he may have emigrated, or with any employer or agent of an employer, such contract shall be valid and enforceable in every respect as against the Colony or the employer, as the case may be, and, in so far as the rights of such immigrant may exceed or vary from the rights which he would have enjoyed under this Ordinance if he had not entered into such contract, he shall be entitled to the benefit of such contract.

Case of previous contract made with Indian immigrant.

73. Except by permission of Her Majesty's Government previously had and obtained, no previous contract entered into with any immigrant from any part of India shall be valid as against such immigrant.

Term of indenture.

74. The indenture of any immigrant arriving in the Colony from any part of Her Majesty's Dominions in the East Indies, and, in the absence of any previous contract made out of the Colony in that behalf, of any immigrant arriving in the Colony from any other port or place from which immigration shall have been permitted, shall be for the term of five years from the date of allotment. Provided that, for the purposes of labour under Part VIII., the indenture of a female immigrant shall be for the term of three years only from the date of her allotment, and in their application to such immigrant the provisions of this Ordinance shall be subject to this enactment.

Special provisions respecting previous contracts.

75. Upon the indenture of any immigrant introduced under any previous contract, a copy of such contract shall be preserved in the Immigration Office, and other copies of such contracts shall be appended to the indenture list given to the employer; and the indenture shall be subject to such contract in so far as such contract is enforceable under this Ordinance.

Case of previous contract made with minor immigrant, &c.

76. No minor or infant immigrant shall be bound by any such previous contract, whether the same is alleged to have been entered into by himself or on his behalf.

Exemption of infant immigrant from indenture.

77.—(1.) No infant immigrant shall be indentured or shall be compelled to perform any service whatever upon any plantation: Provided that where any immigrant is under the age of ten years on introduction into the Colony, he shall, on attaining that age, be deemed to be under indenture until the expiration or determination of the indenture of the relative or friend under whose charge such immigrant has been introduced, and shall be deemed to be under indenture to the employer to whom such relative or friend is indentured until such event as aforesaid.

(2.) At the determination or expiration of the indenture of such relative or friend, every immigrant who has been introduced under the age of ten years shall be entitled to a certificate of exemption from labour, whether he has been indentured or not.

Provision as to minor immigrant.

78. Every indentured minor immigrant shall, on attaining the age of sixteen years, become an indentured adult immigrant.

Rights of minor, &c., immigrant residing on plantation.

79. Every minor or infant immigrant residing on a plantation, and every immigrant indentured as other than an able-bodied immigrant, shall be entitled to the same rights, privileges, and immunities as able-bodied immigrants under indenture are entitled to under this Ordinance.

Re-indenture on expiration of term of service.

80. When and so often as any immigrant who shall have already completed or shall hereafter complete a service under indenture of five years within this Colony shall be willing to enter into any engagement to labour for any employer, it shall be lawful for the Protector from time to time, if he shall see fit, and on payment to such immigrant by such employer of such premium or bounty, if any, as may be agreed upon between such immigrant and such employer, to indenture such immigrant to such employer for such time not exceeding twelve months as may be agreed upon between such immigrant and such employer, and every such indenture may be according to the form in the Schedule to this Ordinance; and the Protector shall keep a Register of such immigrants and shall enter opposite the name of such immigrant the day on which and the time for which such indenture shall be made.

Form No. 14.

PART V.

Dwellings.

Information about dwellings to be furnished by employer.

81. No immigrants allotted to a plantation shall be delivered to the employer until the employer has furnished the Protector with any information required by him with regard to the dwellings to be assigned to such immigrants.

Providing of suitable dwelling for indentured immigrant.

82. Every employer shall at all times provide an immigrant under indenture upon his plantation with a suitable dwelling and keep such dwelling in sufficient repair and the roofs of the same water-tight, and shall keep the yard and grounds for a sufficient space round about such dwelling well drained, and the drains clean

and in good order, and the yard and grounds free from bush and from weeds and rubbish of every description, except as hereinafter provided.

Assignment and superficial capacity of dwellings.

83. No dwelling which is, in the opinion of the Surgeon-General, unfit for habitation shall be assigned to any indentured immigrant; and no greater number of immigrants shall be assigned to any dwelling or separate apartment, except with the special permission of the Surgeon-General, than at the rate of one adult to every fifty feet of superficial space, or of three single men, or of one man and one woman with not more than two children, to every one apartment of not less than one hundred and twenty feet of superficial space.

Keeping of register of dwellings. Form No. 15.

84.—(1.) Every manager shall keep a register of all such dwellings on his plantation as are, or are intended to be, assigned to indentured immigrants for their habitation, and shall from time to time enter on such register the names of all the indentured immigrants in each house or apartment.

(2.) Such register shall be at all times open to the inspection of the Protector, of the Surgeon-General, and of the Government Medical Officer, and the Government Medical Officer shall mark therein, under his signature, such dwellings as he may from time to time consider to be unfit for habitation, and also such dwellings as he may have permitted to be occupied in excess of the scale authorized by this Ordinance, with his reasons for such permission.

(3.) The Medical Officer shall report to the Surgeon-General such requisitions as he may deem necessary for ensuring the sanitary fitness of such dwellings for habitation, and a copy of every such requisition shall be transmitted by the Surgeon-General to the Protector, and by the Protector to the employer; and every such requisition shall be complied with by the employer.

Provided that if the employer considers any such requisition unreasonable he may make such representation as is hereinafter provided in the case of requisitions in the Case and Hospital Register.

Making of regulations in respect of dwellings.

85.—(1.) The Protector may, with the assistance of the Surgeon-General, make such Regulations as may seem necessary for the proper construction, arrangement and drainage of the dwellings of indentured immigrants, with the yards and grounds about the same.

(2.) All such regulations shall be subject to the approval of the Governor and Legislative Council, and copies thereof shall be sent to the manager of every plantation on which there are indentured immigrants.

Default of employer in respect of dwelling.

86.—(1.) If any employer fails to provide any immigrant indentured to him with a suitable dwelling, it shall be lawful for the Protector with the approval of the Governor to remove all or any of the indentured immigrants from such plantation, and to transfer any such immigrants for the unexpired remainder of their terms of service to any other employer who may be willing to accept their services and to pay the remaining indenture fees.

(2.) And every employer who in any respect refuses or neglects to comply with the provisions of this Ordinance, or with the regulations made thereunder, in respect of the repair, occupation, arrangement, and drainage of such dwellings, or in respect of the register of dwellings, shall be liable, on the complaint of any immigrant thereby aggrieved or of the Protector, to a penalty not exceeding Five Pounds.

Default of indentured immigrant in respect of dwelling.

87. On complaint by any employer the Protector may, after enquiry held by him under this Ordinance, make order that any indentured immigrant who—

(1.) Refuses or neglects to keep the yard and the drain, if any, at the front and the back of his dwelling, for a space not exceeding twenty feet on either side, free from bush and from weeds and rubbish of every description; or

(2.) Keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health, or

(3.) Refuses or neglects, within a reasonable time after being thereto required by the manager, to remove any nuisance or substance injurious to health from his dwelling, or to remove any such nuisance or substance which he may have caused or placed in the immediate proximity of his own or of any other dwelling; or

(4.) Commits any nuisance on any dam or common thoroughfare of the plantation or in the vicinity of any dwelling on the plantation; or

(5.) Wilfully causes any obstruction to any drain or trench on the plantation; or

(6.) Wilfully fouls any fresh water pond or trench of the plantation;

shall pay to his employer as damages for such action, refusal or neglect, any sum not exceeding One Pound, to be deducted from his wages in such manner as the Protector by order in writing may direct.

PART VI.

Rations.

Providing of rations for twelve months after allotment.

Form No. 16.

88. Every employer to whom any immigrants may be allotted shall, for twelve months from and after the first date of delivery to him of the immigrants included in such allotment, provide and distribute twice in every week to every such immigrant, being an adult or minor such rations of food as are specified in the First Schedule to this Ordinance, or in such varied or other scheme as may be from time to time put forth by the Protector, with the sanction of the Governor and Executive Council, and to every such immigrant, being an infant, one-third of such rations, and may week by week, or every fortnight deduct the cost of his rations for the week or fortnight from any wages earned by such immigrant during the week or fortnight, in the case of an adult or minor at the rate of six cents for every day's rations; but no deduction shall be made by or allowed to any employer in respect of rations supplied to an infant immigrant or in respect of rations furnished in any previous week or fortnight: Provided always that the Protector may, if he thinks fit, release such employer from such obligation for any part of the last six months of such period of twelve months. Provided also that no immigrant who, before being allotted, has been resident in this Colony or in any place in the West Indies for a period of twelve months at any time preceding such allotment shall be required to receive such rations, unless he himself desires it.

Placing of other immigrant on rations.

89. The Protector may, on the recommendation of the Government Medical Officer, or, in any case of emergency, the Government Medical Officer may, subject to the approval of the Protector, direct any indentured immigrant to be placed in the receipt of daily rations, either for a certain period or until further direction: Provided that no such immigrant shall remain so treated beyond the space of six months without a fresh order: Provided also that every such immigrant, while he is so treated shall be considered other than an able-bodied immigrant.

Prohibition of sale and purchase of rations.

90.—(1.) Every immigrant rationed under this Ordinance who sells or barters any ration, or part of a ration, which has been furnished under this Ordinance shall be liable to imprisonment for any term not exceeding fourteen days.

(2.) Every person who takes, by way of purchase or barter, from any immigrant rationed under this Ordinance any such ration, or part of a ration, shall be liable to a penalty not exceeding Five Pounds or to imprisonment for any term not exceeding one month, or to both such penalty and imprisonment.

PART VII.

Hospitals.

Hospital accommodation to be previded immigrants on plantation.

91.—(1.) No immigrant shall be allotted to or indentured on any plantation upon or for which there is not or are not a hospital or hospitals certified or hereafter to be certified under this Ordinance, and capable of affording accommodation for all immigrants on such plantation at the rate of at least four beds for not more than forty immigrants, five beds for from forty to seventy and ten beds for from seventy to one hundred, and seven per cent. for every additional hundred immigrants after the first hundred, and affording complete separate accommodation for male and female immigrants.

(2.) No joint hospital for two or more plantations; and no hospital which is not situated upon the plantation for which it is intended, shall be allowed without a certificate in its favour from the Government Medical Officer, and no such certificate shall be given without special permission from the Protector.

Provided always that it shall be lawful for the Governor by writing under his hand to permit an immigrant to be allotted to any estate for which there shall not be a duly certified hospital if he shall be satisfied that adequate provision exists for

the reception of such immigrant in a public hospital situate in a convenient distance from where such immigrant shall be located in the event of such immigrant requiring hospital treatment.

Certifying of hospital.

92.—(1.) The Protector shall, on the request of any employer, inspect the site and examine the plans for any building proposed to be erected or altered as a certified hospital under this Ordinance, and shall direct to be made therein such changes and alterations as may, in his opinion, be necessary for ensuring the proper construction, ventilation, and drainage of such hospital, and shall certify any building erected in compliance with such directions and with the provisions of this Ordinance, or which has been altered so as to comply with the same, as a certified hospital for the purposes of this Ordinance, and shall state in such certificate the number of patients which such hospital is capable of accommodating.

Form No. 17.

(2.) Except as provided for in such certificate no part of any certified hospital, or of the space under the same, shall be used for any purpose except the accommodation and treatment of patients.

(3.) No structural alteration shall be made in any certified hospital unless the same has been approved by the Protector.

Right of lessee in certified Hospital.

93. Any lessee of a plantation who, in accordance with any requisition of the Protector, provides a new hospital or additional hospital accommodation for immigrants under indenture on such plantation shall be entitled to receive such compensation therefor from the lessor, on the termination of his lease, as may be awarded to him by two arbitrators to be appointed by himself and the lessor respectively or by such umpire as the arbitrators may appoint.

Withdrawal of certificate of hospital.

94.—(1.) If at any time the accommodation afforded in any certified hospital falls short of that required by this Ordinance as aforesaid, or if any certified hospital appears to the Government Medical Officer to be for any reason unfitted for the purpose of, and improper to be used as, a certified hospital, the Government Medical Officer shall make a report in writing of the matter to the Surgeon-General, and the Surgeon-General shall visit the hospital and examine into the matter, and, after conferring thereupon with the employer and with the Government Medical Officer, shall make such Report to the Protector as may, in his opinion, be necessary and proper.

(2.) If the Surgeon-General reports that such hospital ought not to continue any longer to be a certified hospital, the Protector may, subject to the approval of the Governor, withdraw the certificate of such hospital; and if the employer does not, within three months after the withdrawal of such certificate or within such further period as the Governor may allow, provide some other building proper to be certified as a hospital under this Ordinance, it shall be lawful for the Protector to remove all or any of the indentured immigrants from such plantation, and to transfer any such immigrants for the unexpired remainder of their terms of service to any other employer who may be willing to accept their services and to pay the remaining indenture fees: Provided that any hospital from which the certificate has been so withdrawn shall, notwithstanding such withdrawal, continue to be regarded as a certified hospital with respect to all matters connected with the maintenance of discipline and the enforcement of the hospital regulations under this Ordinance.

Making of hospital regulations and dietary.

95.—(1.) The Surgeon-General and the Protector may make such regulations as they may think fit for the proper arrangement and management of certified hospitals, and shall specify therein the furniture, medicines, clothing and appliances, and the quantities of each, which are to be kept supplied in each hospital for the use of the same.

(2.) In case of difference of opinion between the Surgeon-General and the Protector with regard to such regulations the same shall be settled by the Governor. The Surgeon-General shall frame the dietary which is to be used in such hospitals.

(3.) Provided that in the case of a hospital certified under Section 92 to be capable of accommodating less than ten patients the Surgeon-General and the Protector may make special regulations for the supply of such furniture, medicines, clothing and appliances and the quantities of each as shall be deemed by them to be sufficient for such hospital.

(4.) All such regulations and every such dietary shall in all cases be subject to the approval of the Governor and Executive Council, and shall, when approved, be published in the *Royal Gazette*, and copies of the same, with translations thereof,

or such parts thereof affecting the rights and obligations of immigrants as the Protector may select, into the several languages of the immigrants residing in the Colony, shall be transmitted by the Protector to the manager of each plantation on which there may be a certified hospital, and shall be at all times kept suspended within such hospital in such place and manner as to be generally legible.

Furniture, &c., of hospital.

96.—(1.) The employer shall at all times keep the hospital properly furnished with such bedding, clothing utensils and other furniture, and the dispensary thereof supplied with such medicines, medical stores, and surgical appliances, as may be required by the hospital regulations, and shall provide for the continual supply to the hospital in sufficient quantities of all articles of food comprised in the dietary, and also of such extras as may be specially prescribed by the Government Medical Officer, and shall also provide a Case and Hospital Register to be kept in the hospital, and shall record in such register any failure of the Government Medical Officer to visit the hospital at the times and in the manner directed by this Ordinance.

Form No. 18.

(2.) Such Case and Hospital Register shall be at all times open to the inspection of the Protector, of the Surgeon-General, and of the Government Medical Officer, and shall be produced in any court, if the presiding Judge or Magistrate so requires, in any proceeding taken under this Ordinance by or against any immigrant.

Employment of dispenser and assistants for hospital.

97.—(1.) The employer shall employ in the hospital and pay at least one qualified dispenser or principal sick nurse, and shall also, if and whenever the Government Medical Officer so requires, employ such additional assistants as may be necessary for the proper care of the patients in the hospital.

(2.) If at any time the Government Medical Officer is of opinion that any person employed in the hospital as dispenser or principal sick nurse is, by reason of misconduct or incapacity, unfit to be so employed, he shall make an entry to that effect in the Case and Hospital Register and shall immediately report such entry to the Surgeon-General, and, if the Surgeon-General so directs, in writing addressed to the employer, the employer shall without delay remove such person and appoint some other fit and proper person in his or her place.

(3.) No dispenser or principal sick nurse or other nurse shall while acting as such be employed or be engaged in any other occupation.

(4.) No person shall be employed as principal sick nurse unless able to read and write English.

Provided that in the case of a hospital certified under Section 92 to be capable of accommodating less than ten patients, the Surgeon-General may when he thinks fit authorize the employment of any persons not having the qualifications required by Sub-sections (3) and (4) of this section.

Duties of dispenser or principal sick nurse.

98. The dispenser or principal sick nurse shall constantly reside on the premises of the hospital, and shall have charge of all furniture, clothing, medicines, stores, and appliances belonging thereto, and shall draw upon and account to the employer for all stores supplied to the patients by way of diet or otherwise, and shall in all matters affecting the health or comfort of the patients be subject to the orders of the Government Medical Officer and shall, subject to such orders, attend the patients, make up and administer the medicines, and serve out the diets as the Government Medical Officer may direct, and shall report to him any defect in the quality or quantity of such furniture, clothing, medicines, stores and appliances.

Visits of Government Medical Officer.

99. The Government Medical Officer shall visit each plantation in his district upon which there may be any indentured immigrants at least twice in every week at intervals of not less than three days and oftener in cases of emergency, or if specially summoned by the manager in any such case, or if specially required by the Surgeon-General, and shall, on every such visit, sign his name, with the date and hour of such signature, in the Case and Hospital Register; and shall, from time to time and as he may be directed by the Surgeon-General, visit the dwellings of the immigrants and the yards and grounds about the same, and shall order every indentured immigrant on the plantation whom he may consider to require medical treatment to be treated either as an in or out-patient, as the case may require, and shall report to the Surgeon-General every case of neglect on the part of the manager to send to hospital or to produce before him any indentured immigrant who should be so sent or produced.

Treatment of patients by Government Medical Officer.

100. The Government Medical Officer shall, in the case of every patient brought to him for treatment or treated by him on a plantation, record in the Case and Hospital Register any disease or injury from which such patient may appear to be

suffering, with the remedies prescribed and the diet ordered in each case, and whether he is treated as an in or out-patient, and shall inform every in-patient of the diet prescribed for him, and whether stimulants and other extras are to be given with such diet; and, in case of complaint, shall ascertain whether such diet and extras have been duly given.

Responsibility of Government Medical Officer for hospital.

101.—(1.) The Government Medical Officer shall see that the hospital, with all bedding, clothing, utensils, and other furniture belonging thereto, is at all times kept clean and in proper order, and that there is at all times a sufficient supply of the medicines and food required by the hospital regulations and dietary.

(2.) He shall note in the Case and Hospital Register any defect in the quality or quantity of the furniture, clothing, medicines, stores, and appliances of the hospital and any other neglect or violation of the provisions of this part or of the hospital regulations and dietary on the part of the employer or of any officer or servant of the plantation, and any omission or delinquency on the part of the hospital dispenser or principal sick nurse, not amounting to ground for his dismissal, and shall require the employer to provide such remedy for the evil or to take such precautions against it as may, in his opinion, be necessary.

Removal of patient to public hospital.

102. The Government Medical Officer or the Protector in his absence may require the manager, by an entry made in the Case and Hospital Register, to remove to any public hospital any immigrant patient in a certified hospital whose case may seem to him to require such removal, and the employer of any indentured immigrant who may be admitted into any public hospital, either upon the requisition of the Government Medical Officer or when sent thither by the Protector or otherwise, shall pay to the Receiver-General the sum of one shilling for each day that such indentured immigrant remains in such hospital, and also, in case such immigrant dies in such hospital, the expense of the burial of such immigrant: Provided that the Governor may at any time, upon the recommendation of the Surgeon-General, by notice in the *Royal Gazette* suspend the operation of this section as regards any such hospitals for such term as may be necessary: Provided also that if the Medical Officer of either of such hospitals certifies, as to any such immigrant patient, that he is labouring under incurable insanity or leprosy, the liability of the employer under this section shall, in respect of such immigrant, absolutely cease and determine.

Requisitions by Medical Officer.

103.—(1.) The Government Medical Officer shall make in the Case and Hospital Register such requisitions as he may deem necessary in relation to the hospital.

(2.) Every such requisition shall be complied with by the employer, and the Government Medical Officer shall report every case of non-compliance or of unnecessary delay in complying with any such requisition, to the Surgeon-General, and the Surgeon-General shall forward every such report, with his own remarks thereon, to the Protector.

Appeal against requisition of Medical Officer.

104.—(1.) If any employer represents to the Surgeon-General that any requisition made by the Government Medical Officer is unreasonable, or that the course of treatment pursued by the Government Medical Officer is in any respect injudicious or extravagant, or that he has any other just cause of complaint against the Government Medical Officer in respect of the management of the hospital or the treatment of the patients, the Surgeon-General shall cause full inquiry to be made into the matter, and may require the Government Medical Officer to annul such requisition, or may give such other directions or instructions in the matter to the Government Medical Officer as he may think necessary.

(2.) Every employer and every Medical Officer shall be bound by the decision of the Surgeon-General, subject to the approval of the Governor on appeal.

Default of employer in respect of hospital arrangements.

105. Every employer who in any respect refuses or neglects to comply with the provisions of this Ordinance, or of the hospital regulations and dietary, in respect of the arrangement and management of any certified hospital, or of the treatment of patients, or with any requisition made in pursuance thereof in the Case and Hospital Register by the Surgeon-General or by the Government Medical Officer, or with any requisition of the dispenser or principal sick nurse made in carrying out any prescription or diet order which has been entered by the Government Medical Officer in the Case and Hospital Register, shall be liable, on the complaint of the Protector, to a penalty not exceeding Ten Pounds.

Default of employer in respect of treatment of sick immigrant.

106. Every employer who—

(1.) Refuses or neglects to send to hospital any indentured immigrant on the plantation who is in need of medical care or treatment in hospital; or

(2.) Fails, at any visit of the Government Medical Officer, to produce before him any such immigrant who may require medical care or treatment; or

(3.) Refuses or neglects to provide any such immigrant with the medicines, medical comforts, and diet which may be ordered for him while under treatment by the Government Medical Officer,

shall be liable, on the complaint of such immigrant, the Protector, or the District Medical Officer, to a penalty not exceeding Five Pounds.

Misconduct of indentured immigrant in respect of hospital.

107. Every indentured immigrant who—

(1.) After being sent to the hospital by any duly authorized person, or after having voluntarily gone to the hospital, is found beyond the limits of such hospital before he has been discharged by the Government Medical Officer; or

(2.) Refuses or neglects to go to the hospital when ordered by his employer so to do; or

(3.) Refuses or neglects to appear at any time when required so to do before the Government Medical Officer; or

(4.) Resists any lawful order for his conveyance to the hospital or his production before the Government Medical Officer; or

(5.) Contravenes any of the hospital regulations; or

(6.) Behaves himself in a disorderly or refractory manner while in the hospital,

shall be liable to a penalty not exceeding One Pound or to imprisonment for any term not exceeding fourteen days.

Malingerers.

Any indentured immigrant who while under treatment in hospital is found by the Government Medical Officer on his visit to be a malingerer shall on conviction thereof before a Court of Summary Jurisdiction be liable for a first offence to a penalty not exceeding One Pound or in default of payment to imprisonment for any term not exceeding fourteen days and for a second or subsequent offence to imprisonment for any term not exceeding one month without the option of a fine.

Obligation of hospital regulations on other than indentured immigrant.

108. Every person who is admitted into the hospital of a plantation for treatment on his own request or with his own consent, or without such consent in case of inability to express consent, shall be bound by the hospital regulations in the same manner as an indentured immigrant.

PART VIII.

Labour and Wages.

Provisions with regard to Indentured Immigrants.

Providing of work and payment of wages.

109.—(1.) The employer shall provide every indentured immigrant on his plantation with sufficient work for a full day's labour on every day (except Sundays and authorized holidays) on which field work is not rendered impossible by reason of bad weather, and shall pay him wages, either by the task or by the day, weekly or fortnightly, on the same day in every week or fortnight, unless such day falls on an authorized holiday, in which case payment shall be made on the previous business day.

(2.) If any indentured immigrant, being willing and able to work, is not provided with work on any working day, he shall be entitled to his full day's wages for every day on which work is not so provided for him.

Assignment of work.

110. The employer may require any indentured immigrant to perform, by way either of task work or of time work (at the option of the immigrant) any work for which he is not physically unfit, and shall inform him of the rate of wages to be paid for the task or time work as the case may be.

Duration of time work and of task work.

111. Subject to the provision for leave of absence from the plantation hereinafter contained, every indentured immigrant shall be present at the work assigned to him on every day (except Sundays and authorized holidays), for nine hours: Provided that no immigrant employed in field labour who has been present at the work assigned

to him for forty-five hours or has earned, if able-bodied, five shillings and two-and-a-half pence wages, or if other than able-bodied, three shillings and four pence wages during the week shall be compelled to be again present at work during that week, except during the reaping of the crop, when he shall work six days in the week: Provided that every immigrant shall be allowed at least half-an-hour daily for the purpose of eating and resting when he has been at work for four hours and a half, such half hour to be included in the aforesaid nine hours.

Limit of task work per diem.

112. No task shall be of greater extent than can be performed by the immigrant to whom it is assigned within one working day of seven hours without extraordinary exertion.

Rate of wages for time work.

113.—(1.) The employer shall pay to every indentured immigrant employed in time work day wages at the rate, for each day during which such immigrant has been present at work and has worked with ordinary diligence for the full time prescribed by this Ordinance, of not less than one shilling and one half-penny if he is indentured as an able-bodied adult immigrant, and not less than eight pence if he is indentured as other than an able-bodied adult immigrant: Provided that if any indentured immigrant is, in the opinion of the Government Medical Officer, physically incapable of earning the minimum amount at the ordinary rates of wages, the Government Medical Officer may direct that his name be placed on a list to be called the "Invalid List," and any immigrant whose name is entered on this list shall receive daily rations and be given work suitable to his condition and be paid such wages proportionate to the work as may be approved by the Protector, or the Protector may, if he thinks fit and with the consent of the employer, cancel the indenture of any such immigrant and provide him, if he so desires, with a return passage to the port or place from whence he came.

Invalid List.

Form No. 19.

(2.) The employer shall keep a Pay List or Labour Book in the prescribed form of all wages paid to indentured immigrants on his plantation.

Rate of wages for task work.

114. The rate of wages for any description of task work performed shall not be less than that ordinarily paid for the same description of work to the creole and other unindentured labourers working on the same plantation; and if there are no such labourers, or if they are paid less than the average rate paid for the same description of work to such labourers on neighbouring plantations, then not less than such average rate; and if there are no such labourers performing the same description of work on neighbouring plantations, then it shall not be less than that ordinarily paid for the same description of work to indentured labourers upon neighbouring plantations: Provided that the wages agreed upon for a task shall in no case be less than the minimum amount of day wages payable for time work.

Proceedings by immigrant for recovery of wages short-paid.

115. If an indentured immigrant is dissatisfied with the amount of wages tendered for any time or task work assigned to him by the employer, he may, after performance of the time or task work in question, proceed in a summary manner before the Magistrate of the district to recover any deficiency by which the wages so tendered fall short of a fair remuneration for the work so performed, or may lay an information or make a complaint against the employer for the unlawful withholding of wages duly earned; and any such information or complaint may be turned by the Magistrate into such proceedings for recovery, if he is of opinion, after hearing the case, that there exist grounds for further inquiry before estimating such wages.

General procedure for recovery of wages.

116.—(1.) In any proceeding for the recovery of wages by an indentured immigrant, it shall not be necessary for such immigrant to take out a summons against the employer, or to lay or make a formal information or complaint therefor; but the Magistrate may, upon receiving from such immigrant any verbal statement of complaint, require of the manager a statement in writing of the work in question performed by such immigrant, and of the wages paid therefor, together with any other material facts or documents.

(2.) If the matter at issue appears to be such as should be tried upon a complaint for the unlawful withholding of wages, the Magistrate shall forthwith issue, free of cost, a summons to the employer to appear and answer such complaint, and shall proceed thereupon as if the immigrant had in the first place made such complaint, and shall give notice to the immigrant accordingly; but if the rate of wages is the subject-matter of dispute, the Magistrate shall forthwith proceed to estimate, to the best of his ability, what is a fair remuneration for the work in question.

Mode of making estimate of wages and order thereon.

117.—(1.) In making such estimate, whether for time or task work, the Magistrate shall have regard, in the first place, to the rule hereinbefore laid down for determining the rate of task wages, and, in the second place, to the rates paid to indentured immigrants on neighbouring plantations for descriptions of work most nearly similar to that in question; and it shall be lawful for him to summon witnesses skilled in the valuation of labour, and to allow such witnesses their travelling expenses and payment for their time, at a rate not exceeding one pound a day for a manager, two shillings a day for a day labourer, and eight shillings a day for any other person.

(2.) The Protector shall, on the request of the Magistrate, supply him with any information in his possession which may assist the Magistrate in forming a decision, and shall, if necessary, hold an investigation upon the spot of the circumstances material to the question, and report to the Magistrate the result thereof.

(3.) The Magistrate shall make such order in the premises as to him may seem just, and shall direct by whom and in what proportions the cost of the proceedings shall be paid, and shall specify in such order the ground of his decision, and shall forward a copy thereof to the Protector.

(4.) Every such order shall be enforceable, and every payment directed thereby shall be recoverable, in the same manner as in the case of any order made in the exercise of the ordinary Summary Jurisdiction; and every such order shall be final and without appeal.

Assault on indentured immigrant.

118. If any employer, manager, or officer of a plantation assaults, or in any way ill-uses, an immigrant indentured on such plantation, he shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment, with or without hard labour, for any term not exceeding two months, or to both such penalty and imprisonment.

Unlawful withholding of wages.

119.—(1.) If any employer, manager, or officer of a plantation unlawfully withholds or causes to be withheld any wages earned by an indentured immigrant, he shall be liable to a penalty not exceeding ten pounds.

(2.) The Magistrate shall order any such wages to be paid, and shall report every conviction under this or the last preceding section, together with such circumstances of aggravation or extenuation as to him may seem noteworthy, to the Protector.

Prohibition of stoppage of wages and of payment in kind.

120.—(1.) Subject to the provisions of this Ordinance all wages duly earned by an indentured immigrant shall be paid in money, without any deduction; and every stoppage of wages duly earned by any such immigrant, and every postponement of payment of such wages beyond the next pay-day after such wages are due, and any payment of wages in kind, shall be taken to be an unlawful withholding of wages.

(2.) No manager who supplies goods on credit to his indentured immigrant shall be entitled to stop the price thereof out of any wages which may be thereafter earned by such immigrant.

Refusal or neglect of indentured immigrant to amend work improperly performed.

121. Every indentured immigrant who, without reasonable excuse, refuses or neglects to amend any work duly thrown out for an improper performance, shall, on the first conviction, be liable to a penalty not exceeding One Pound or to imprisonment for any term not exceeding fourteen days, and, on a second or any subsequent conviction, to a penalty not exceeding Two Pounds or to imprisonment for any term not exceeding one month, and shall further forfeit any such portion of the wages which may be due for such work as the Magistrate may think proper, and the manager may suspend the payment of any such wages, pending any proceedings which he may have taken against such immigrant for such refusal or neglect: Provided that no work shall be taken to have been duly thrown out for improper performance, unless the manager has taken down the work on the spot the same day or the next day after such work has been done, nor unless the manager has informed the immigrant upon the spot that his work is thrown out, or, in case he is absent, so soon after as is possible, and has specified the ground or matter of his objection to the work done, and has required him to amend the same.

Making of agreement for extra time in field or in buildings.

122.—(1.) An indentured immigrant may, by agreement with his employer, work extra time in the field: Provided that the description of work to be assigned to him during such extra time shall be expressly stipulated beforehand.

(2.) An indentured immigrant may, by agreement with his employer, work extra time in the buildings, and the employer may assign to him during such extra time any work in the buildings which he is physically competent to perform.

Payment for extra time work.

123. All extra time work shall be paid for by the hour, at a rate not less than that at which ordinary time work is paid for; and the same provisions, remedies,

and penalties in respect of the due performance of work and payment of wages shall apply to service as a watchman and to extra time work, whether under agreement or otherwise, as are contained in this Part with reference to ordinary work.

Limit of extra time work.

124. It shall not be lawful for any employer to employ any immigrant under indenture for more than fifteen hours in any one day, and no immigrant shall be compelled to work for more than nine hours.

Every employer who employs any immigrant contrary to the provisions of this section shall be guilty of an offence against this Ordinance and shall on conviction thereof forfeit any sum not exceeding Two Pounds.

Service as watchman.

125.—(1.) No indentured immigrant shall be bound to serve as a watchman, but he may bind himself by an agreement with his employer, made in the presence of two witnesses, to serve as a watchman on the plantation for any term not longer than one month or from month to month, and unless he gives notice of his wish not to serve any longer as a watchman at least seven days before the expiration of any month's service, he may be compelled to serve for the next month.

Form No. 20.

(2.) Every indentured immigrant who, after having agreed to serve as a watchman,—

(*a.*) Unlawfully neglects his duty as such watchman; or

(*b.*) Unlawfully neglects to serve as a watchman during the period for which he has agreed to serve or for which he is bound to serve,

shall be liable to a penalty not exceeding Two Pounds or to imprisonment for any term not exceeding one month.

(3.) It shall be necessary, before any such immigrant can be convicted for any offence under this section, to prove that such immigrant had previously agreed to serve as a watchman.

Minor offences by indentured immigrant.

126. Every indentured immigrant who—

(1.) Is drunk in or about the buildings of the plantation, or while employed on any work; or

(2.) Is drunk during any time in which he is required to be at work; or

Form No. 21.

(3.) Is guilty of any fraud or wilful deception in the performance of his work; or

(4.) Uses to his employer, or to any person placed by him in authority on the plantation, any abusive or insulting word or gesture; or

(5.) Is guilty of wilful disobedience to any lawful and reasonable order,

shall be liable to a penalty not exceeding One Pound or to imprisonment for any term not exceeding fourteen days.

More serious offences by indentured immigrant.

127. Every indentured immigrant who—

(1.) Uses to his employer, or to any person placed by him in authority on the plantation, any threatening word or gesture; or

(2.) By negligence, carelessness, or other improper conduct, endangers, damages, or causes or suffers to be endangered or damaged, or sells any property of his employer (and in any proceeding for a breach of this provision it shall not be necessary to state or prove the name of such employer); or

Form No. 22.

(3.) Hinders or molests any other immigrant in the performance of his work; or

(4.) Persuades or attempts to persuade any other immigrant unlawfully to refuse, absent himself from, or desist from work,

shall be liable to a penalty not exceeding Five Pounds or to imprisonment for any term not exceeding two months.

Keeping of Register of cases before Magistrate. Form No. 23.

128. Every manager of a plantation on which there are indentured immigrants shall keep a register of all cases under this Ordinance in which he is concerned before the Magistrate.

Prohibition of keeping of shop on or near plantation by manager, &c.

129.—(1.) No shop shall be kept by any employer, manager, overseer, driver, ranger, or other person employed on the plantation, either upon such plantation or within five miles thereof.

(2.) If any shop is so kept by or for the profit of any such employer or manager or by or for the profit of any of his subordinate officers with his permission, connivance, or knowledge, such employer or manager shall be liable, on the complaint of

the Protector, to a penalty not exceeding twenty pounds; and every person, other than an employer or manager, who actually keeps a shop in contravention of this section shall be liable to a penalty not exceeding Ten Pounds.

Employer to make certain returns. Form No. 24. Form No. 25.

130. Every employer of indentured immigrants shall within the first five days of the months of January, April, July and October in every year make and deliver to the Protector a return in the prescribed form of all immigrants whether indentured or not in his employ or residing on his plantation during the whole or any part of the preceding three months and of the children of such immigrants and of all deaths and the number of births of the children of such immigrants. And every employer shall make out quarterly at the same dates and deliver to the Protector a return of all indentured immigrants, specifying the number who shall have worked and who shall not have worked during the preceding quarter and the causes for their not having worked so far as the same may be known to him. And the Protector shall keep all such returns, and shall in the month of April of every year make an abstract of all such returns for the preceding year, which abstract shall be laid before the Legislative Council.

Penalty for false return.

131. Every employer of indentured immigrants who shall omit to make any return hereinbefore required, or who shall make any such return which shall be wilfully incorrect in any particular, shall on conviction thereof before any Justice of the Peace forfeit any sum not exceeding ten pounds for every such offence.

Provisions with regard to Immigrants not under Indenture.

Duty of person employing immigrant not under indenture.

132. No person shall employ any immigrant not under indenture until such immigrant has produced his certificate of exemption from labour, and every person who receives into his employment any such immigrant before such certificate has been so produced shall be liable to a penalty not exceeding five pounds.

Duties of manager of plantation on which are employed immigrants not under indenture.

133.—(1.) Every manager of a plantation on which there are indentured immigrants shall be bound to enter in a book to be kept by him the name and description of every immigrant not under indenture employed on such plantation, and the amount of wages earned by each such immigrant in each week, and shall pay to each such immigrant the wages due to such immigrant for the work performed by him on such plantation. Every such book shall be open to the inspection of the Protector.

(2.) Every manager of a plantation who contravenes this section, and every manager of a plantation on which any immigrant not under indenture performs any work for the benefit of the proprietor of the plantation before the name and description of such immigrant have been entered in such book, or before the certificate of exemption from labour held by such immigrant has been duly produced, shall be liable to a penalty not exceeding five pounds for each such immigrant who so performs any work.

Other hirings of free immigrants.

134. The hiring, whether verbal or in writing, of any immigrant possessed of or entitled to a certificate of exemption from labour shall be subject to and governed by the provisions of any Ordinance now or hereafter to be in force regulating the hirings of servants in husbandry and other labourers, not being immigrants within the meaning of this Ordinance: Provided that no contract of any such immigrant shall be taken to be an indenture within the meaning of this Ordinance: Provided also that no hiring or contract for service of any such immigrant shall be taken to be a contract for more than one month certain from the time of entering into service, any express or implied agreement to the contrary notwithstanding.

PART IX.

Leave and Desertion.

Leave.

Obligation of residence.

135. Every indentured immigrant shall be bound to reside on the plantation whereon he is under indenture.

Immigrants unlawfully at large.

136. Where any immigrant is found on a public highway or on any land or in any house not being the land or house of his employer, or in any ship, vessel or boat within the waters of the island, any of the following persons, that is to say:

(1.) The Protector or any person authorised in writing by him;

(2.) Any estate constable attached to the plantation to which the immigrant is under indenture; and

(3.) The employer of the immigrant or his manager or overseer;

may without warrant stop such immigrant, and in case he fails to produce a certificate of industrial residence or of exemption from labour or a ticket of leave may, if there be reasonable cause to suspect the immigrant is under indenture, arrest him and take him to the nearest police station, there to be detained until he can be taken before a Stipendiary Justice of the Peace.

If upon such immigrant being brought before a Stipendiary Justice of the Peace it appears in respect of what plantation his services are due, and he fails to prove that at the time of his being arrested he was absent from such plantation by virtue of a ticket of leave, the Stipendiary Justice, if he sees fit, may order such immigrant to be returned to the estate to which he is indentured or to be imprisoned with or without hard labour for any term not exceeding seven days; but if it does not appear in respect of what plantation the services of such immigrant are due, and such immigrant does not prove to the satisfaction of the Stipendiary Justice that he is not an immigrant within the meaning of this Ordinance or that he has completed his term of industrial residence the Stipendiary Justice may if he sees fit make an order for the imprisonment of such immigrant with or without hard labour for any term not exceeding three months.

The Stipendiary Justice may from time to time remand any immigrant brought before him under this section, for such reasonable time as he sees fit, for the purpose of enquiry being made in respect of what plantation the services of such immigrant are due.

If it appears to the Stipendiary Justice that any employer, manager or overseer has arrested an immigrant without reasonable or probable cause, the Stipendiary Justice may order the person making the arrest to pay to the immigrant by way of compensation any sum not exceeding twenty pounds, and any such order shall be a bar to any action for the same cause.

Unlawful absence from plantation Form No. 26.

137. Every indentured immigrant who—

(1.) Absents himself without leave from the plantation during the time in which he is required to be at work; or

(2.) Absents himself without leave from the plantation in such manner or for such time as to constitute a breach of the obligation of residence;

shall be liable, if a male, to pay a fine not exceeding two pounds, and, if a female, to pay a fine not exceeding one pound.

Right of immigrant to leave of absence after certain amount of work done.

138.—(1.) Every able-bodied indentured immigrant who has earned wages at the rate of at least five shillings and two and a half pence per week during two consecutive weeks and every other immigrant who has earned wages at the rate of at least three shillings and four pence per week during two consecutive weeks shall be entitled to leave of absence from the plantation at the rate of one day and night for every such undivided period of two weeks, and the employer shall, on the request of such immigrant, furnish him with a free pass accordingly for as many days as he may require and be entitled to have leave of absence for: Provided that no immigrant shall be entitled to leave of absence, and no employer, except for special cause to be stated in the pass, shall be entitled to give leave to any indentured immigrant, for more than seven days at any one time, or for more than twenty-six days in any one year; and no pass extended for special cause shall be given for more than twenty-six days at any one time, or more than once to the same immigrant in any one year.

(2.) Every employer who—

(*a.*) Refuses a pass to which any immigrant is entitled; or

(*b.*) Gives a pass in excess of the limits allowed by this Ordinance; or

(*c.*) States in any pass extended as aforesaid a false, frivolous, or pretended cause for such extension;

shall be liable, on the complaint of the Protector, to pay a fine not exceeding five pounds.

Leaving plantation for purpose of making complaint. Form No. 27.

139.—(1.) Any indentured immigrant who, having been refused a pass by his employer, absents himself from his plantation in order, on reasonable grounds, to lay an information or make a complaint against the employer or manager before the Magistrate, or to make any reasonable complaint of his treatment and to ask counsel of the Protector, shall be entitled to receive from such Magistrate, or Protector, a

certificate that such absence was for reasonable cause: Provided that no such certificate shall be given, or, if given, shall be valid, if the immigrant—

(*a.*) Has absented himself from the plantation with any weapon or any agricultural implement; or

(*b.*) Has absented himself from the plantation in company with more than five other immigrants.

(2.) No immigrant who possesses such a certificate, and who on his return to the plantation produces the same to his employer, shall be liable to be convicted under Section 137 in respect of the day on which such certificate was granted, or in respect of such time before and after as may be necessary to allow of his free going and returning.

(3.) Where the Magistrate or Protector is of opinion that such complaint is ill-founded or frivolous, he shall so certify in writing to the employer.

Desertion.

Desertion.

140.—(1.) If any indentured immigrant without leave absents himself for three days from the plantation whereon he is under indenture, he shall be taken to be a deserter from the plantation; and the manager shall thereupon prefer a charge against him in that behalf before the Magistrate and apply for a warrant for his apprehension, and shall also report the same in writing on the prescribed form to the Inspector of the district, and also to the Immigration Office.

Form No. 28.
Form No. 29.
Form No. 30.

(2.) Such warrant shall be granted free of cost, and shall be directed to all constables.

(3.) A copy of such warrant shall be forwarded by the Magistrate to the Inspector-General of Police within three days from the day on which such charge is made, and any copy thereof, certified under the hand of the Inspector-General of Police, shall be executable in the same manner as the original warrant.

Default by manager in not preferring charge against deserter.

141.—(1.) Every manager who does not prefer a charge in the proper form before the Magistrate against an indentured immigrant who has deserted within fifteen days after such immigrant has become a deserter shall be liable, on the complaint of the Protector, to pay a fine not exceeding Five Pounds, and shall, in addition to such fine, pay an absolute accumulating fine of one shilling for every day of such default.

(2.) No entry shall be made in the Register of Defaulters in respect of any desertion or in respect of any imprisonment for the desertion of any immigrant where the manager has not preferred such charge against the immigrant for such desertion within such time.

Punishment of deserter.

142. Every indentured immigrant who deserts from his plantation shall be liable to a penalty not exceeding Five Pounds or to imprisonment for any term not exceeding two months, or to both such penalty and imprisonment.

Supplemental Provisions.

Loss of original charge for desertion.

143. If the original charge for desertion made against an indentured immigrant is lost or mislaid, the Magistrate may proceed to deal with the case on the original warrant or on any copy thereof certified by the Inspector-General of Police.

Keeping of Registers of Absences on Leave and Desertions.

144.—(1.) The manager of a plantation on which there are indentured immigrants shall keep a Register of Absences on Leave, and shall enter therein every pass granted by him to an indentured immigrant.

Form No. 31.
Form No. 32.

(2.) He shall also keep a Register of Desertions, and shall enter therein every desertion of an indentured immigrant from the plantation.

145. Whenever it may appear to the satisfaction of the Protector that any immigrant against whom a warrant has been granted, is dead, or has left the Colony, the Protector may order that the name of the immigrant may be struck off the books of the estate to which he is indentured.

Refusal of immigrant apprehended to give information.

146. If any immigrant, on being brought to the Protector, or to an Inspector, or to a police station by any police constable, wilfully refuses to give his name, the name of the ship in which he was introduced into the Colony, and the name of the estate to which he is indentured or any other information that may reasonably be

required by the Protector or by the Inspector, or by the police constable in charge of the police station, for the purposes of identification, he shall be liable to a penalty not exceeding One Pound or to imprisonment, with or without hard labour, for any term not exceeding fourteen days.

Absence without leave from the depôt.

147. If any indentured immigrant, while an inmate of the Immigration Depôt, without leave absents himself therefrom for three days, he shall be taken to be a deserter, and the Protector shall thereupon prefer a charge against him in that behalf before the Magistrate and apply for a warrant for his apprehension. Such warrant shall be granted in the same manner as herein-before provided with respect to a deserter from a plantation.

Employment of indentured immigrant by person not entitled to his services.

148.—(1.) Every person who, not being entitled to the services of such immigrant under this Ordinance,—

(*a.*) Employs or knowingly harbours any indentured immigrant; or

(*b.*) Induces or attempts to induce any indentured immigrant to leave off work or to quit his plantation against the will of his employer,

shall be liable to pay a fine not exceeding Fifty Pounds, and in the case of employment, in addition to such fine, to pay to the employer entitled to the services of such immigrant, by way of damages, at the rate of four shillings for every day on which such immigrant may have been so employed.

(2.) If the person charged is the manager of a plantation, it shall be sufficient to support a conviction under this section to prove that such immigrant has been employed thereon in the service of such manager.

Disposal of indentured immigrant on release from custody.

149. When any indentured immigrant who has been arrested by a police constable, or imprisoned, is entitled to be discharged from custody or from prison, he shall without delay be conveyed by a police constable to the plantation whereon he is under indenture, and every such immigrant may be kept in custody while he is being so conveyed and until he can be so taken to the plantation: Provided that, if required by the Protector or any Inspector, he may be taken to the Immigration Office or to the office of any Inspector.

Giving of certificate as to indentured immigrant brought in custody to plantation Form No. 33.

150.—(1.) When any indentured immigrant is brought to the plantation whereon he is under indenture by any police constable, the manager of the plantation shall be bound to give to the police constable a certificate, stating the time when such immigrant was so brought.

(2.) Every manager who refuses or neglects to give such certificate shall be liable, on the complaint of the Inspector-General or an Inspector of Police, to pay a fine not exceeding One Pound.

Reporting of indentured immigrant voluntarily returning to plantation.

151.—(1.) When any indentured immigrant who has deserted from the plantation whereon he is under indenture voluntarily returns to the plantation, the manager of the plantation shall report the fact to the Protector and to the police constable in charge of the police station nearest to the plantation.

(2.) Every manager who neglects so to do for three days after such return shall be liable, on the complaint of the Protector, the Inspector-General or an Inspector of Police, to pay a fine not exceeding One Pound.

Habitual idler. Form No. 34.

152. If any indentured male immigrant is absent from work without lawful excuse on twelve days in any one month or in any two consecutive months, he shall be deemed an habitual idler, and shall be liable to imprisonment for any term not exceeding three months.

Reporting of indentured immigrant on release from prison.

153. The Superintendent of Prisons shall report in writing to the Protector when any immigrant who was under indenture at the time of his arrest for the crime or offence of which he has been convicted is discharged from any cause before the time at which his sentence would have expired, or when any such immigrant is imprisoned for a longer period of time than the time that was mentioned in his sentence, and such Superintendent shall forward such report as soon after the event as may be practicable.

Keeping of Register of Defaulters.

154.—(1.) The Protector or the Inspector in each district shall keep a separate Register of Defaulters for each plantation whereon there are any indentured immigrants.

Form No. 35.

(2.) The name and description of every indentured immigrant on the plantation who is sentenced to imprisonment, or who is convicted of desertion on a charge preferred in due time, or who is adjudged to have been unlawfully absent from work shall be entered in such register.

Making of entries in the Register of Defaulters.

155. Whenever any employer alleges that an indentured immigrant has been imprisoned or has deserted, and produces to the Protector or to an Inspector a certificate, signed by the Magistrate or other proper Officer, that such immigrant has been sentenced to imprisonment or has been convicted of desertion on a charge preferred in due time, then (but in no other case), the Protector or an Inspector shall make an entry in the Register of Defaulters of the facts stated in such certificate, and shall date such entry with the date when the same was made by him, and shall sign or initial the same, and shall also so date and sign or initial the certificate so produced, and thereafter return it to the employer: Provided that the Protector or an Inspector may, before making any such entry, require proof as to the identity of the immigrant referred to in such certificate.

Correction of the Register of Defaulters.

156. The Protector or an Inspector shall, from time to time and as often as may be necessary, correct the entries in the Register of Defaulters, so that such entries shall accurately state all the periods to be excluded in reckoning the term of service of each immigrant under indenture: Provided that the Protector or Inspector shall not obliterate any previous entry made in the Register of Defaulters, either by himself or any other person, and shall date every entry with the date when the same was made and shall sign or initial the same.

PART X.

Marriage, Divorce, &c.

Interpretation.

157. In this part,

The term "Immigrant" means

(1.) Any Indian immigrant introduced into the Colony or any other British West Indian Colony for the purpose of being indentured; and

(2.) Any descendant of an Indian immigrant so introduced.

The term "The Marriage Ordinance, 1863," means the Ordinance No. 11 of 1863, intituled, "An Ordinance to amend the Law with regard to the Solemnization and Registration of Marriages";

The terms "Registrar of Marriages" and "District Registrar" have the same meanings as in "The Marriage Ordinance, 1863";

The term "Chief Registrar" means the Registrar of Marriages appointed under the same Ordinance:

The term "Registrar" includes the Chief Registrar and any District Registrar.

Application.

158. This Ordinance shall apply to all Marriages and divorces between immigrants contracted, effected or registered between the 1st day of July, 1881, and the commencement of this Ordinance, and also to all such marriages and divorces contracted or effected after the commencement of this Ordinance, and all the provisions of this Ordinance except those which relate to marriages and divorces shall apply to all immigrants of whatever religion: Provided also that nothing in this Ordinance contained shall be construed to prevent or disable any immigrant whether professing Christianity or not from contracting a civil marriage before the Registrar according to the provisions of the Ordinance No. 11 of 1863, entitled "An Ordinance to amend the Law with regard to the Solemnization and Registration of Marriages."

Registers.

Form No. 36.

Form No. 37.

159. For the purposes of this Ordinance the Chief Registrar shall keep a Colonial Register of Indian Immigrants' Marriages and a Colonial Register of Indian Immigrants' Divorces, and each District Registrar shall keep a District Register of Indian Immigrants' Marriages and a District Register of Indian Immigrants' Divorces, and the Protector of Immigrants shall keep a Register of Indian Immigrants' Marriages and a Register of Indian Immigrants' Divorces.

Christian immigrants.

160.—(1.) An immigrant who at the time of his arrival in this Colony professes Christianity shall, immediately upon such arrival, and

(2.) An immigrant who at any time after his arrival in this Colony embraces Christianity shall, immediately upon such change of faith, as to marriage capacity or incapacity to contract marriage, and the conditions subject to which and the manner in which marriage may be contracted, be subject to the general law of the Colony.

Abandonment of Christianity shall not affect the operation of this section.

Marriage according to personal law.

161. A marriage contracted between immigrants, both of whom at the date of the marriage profess the same religion, not being the Christian religion, and are subject to the same personal law, shall, if contracted according to the religion and personal law of such immigrants, and registered according to this Ordinance, be deemed to be valid, if a date of marriage shall be specified in the register and at such date the man shall have been at least sixteen years of age and the woman at least twelve years of age, as from such date; and in all other cases, as from the date of registration.

Provided that no marriage shall be registered unless the parties shall be of such ages respectively at the date of registration.

Provided also that for the purposes of any criminal prosecution or of any proceeding for the recovery of damages under Section 193 of this Ordinance such marriage shall be deemed to be valid as from the date of the actual registration thereof and not from the date of marriage specified in the register.

Application to register marriage.

162. Every application for the registration under this Ordinance of any marriage, not being a Christian marriage, must be made to the Registrar of the District in which the marriage was effected, or of the district in which the parties have resided for a year immediately preceding such marriage, or to the Protector of Immigrants, by both parties to such marriage: Provided that if either of the parties to the marriage is an infant and has a father or a guardian living and resident in the Colony, the application on behalf of such infant party must be made by such father or guardian: Provided also that it shall be lawful for any Stipendiary Justice of the Peace on the complaint of either party to a marriage between immigrants contracted according to the religion or personal law of such immigrants that the other party or the parent or the guardian of either of the parties who is not of full age has not applied for the registration of such marriage or has not attended before the Registrar or Protector and signed the register to issue a summons calling upon such other party or parent or guardian in default to show cause before the expiration of fourteen days why an order should not be made directing the Registrar or the Protector to register such marriage notwithstanding the refusal or omission by such other party, parent or guardian to apply for the registration of such marriage or to attend before the Registrar or Protector and sign the register, and if after the expiration of fourteen days from the service of such summons the said other party, or parent or guardian shall not have appeared before such Stipendiary Justice of the Peace or shall not have shown good cause for such refusal or omission as aforesaid it shall be lawful for such Stipendiary Justice by an order in writing under his hand to direct the Registrar or Protector to register such marriage on the application alone of the party applying and the registration of such marriage in accordance with such order shall be as valid and effectual as if the other party parent or guardian had duly attended and signed the register and applied for the registration of such marriage.

Power of Stipendiary Justice of the Peace to order registration on application of one party after due notice to the other party.

Divorce.

Divorce according to personal law.

163. A divorce effected between two immigrants both of whom at the date of the marriage thereby dissolved, professed the same religion, not being the Christian religion, and were subject to the same personal law, shall, if effected according to such religion and personal law, and registered according to this Ordinance, be deemed valid for all purposes as from the date of divorce specified in the register, or if no such date is specified, as from the day of registration.

Application to register divorce.

164. Every application for the registration under this Ordinance of a divorce must be made to the Registrar of the district in which the divorce was effected or to the Protector by one or both of the parties to the marriage dissolved.

Registration.

Conditions of registration.

165. On application being made to a Registrar or to the Protector to register under this Ordinance any marriage or divorce, the Registrar or Protector of immigrants, as the case may be, shall

(1.) Satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(2.) Satisfy himself as to the identity of the persons appearing before him

and alleging that the marriage or divorce has been effected between them;

(3.) In the case of any person appearing as guardian, satisfy himself as to the right of such person so to appear.

If the Registrar or Protector as the case may be is satisfied on the above points and not otherwise, he shall make an entry as follows:—

(*a.*) Of a marriage, in the District Register of Indian Immigrants' Marriages or in the Register of Indian Immigrants' Marriages kept by the Protector;

(*b.*) Of a divorce, in the District Register of Indian Immigrants' Divorces or in the Register of Indian Immigrants' Divorces kept by the Protector:

Provided that such registration shall not be made except in the presence of every person who by this Ordinance is required to sign the same or otherwise in accordance with this Ordinance.

Mode of registering marriage. Form No. 36.

166. The mode of registering a marriage under this Ordinance shall be as follows:—

(1.) An entry according to Form 36 in the first Schedule to this Ordinance shall be made in the District Register of Indian Immigrants' Marriages or in the Register of Indian Immigrants' Marriages kept by the Protector, and

(2.) Such entry shall be signed—

(*a.*) By the Registrar or Protector; and

(*b.*) By each of the parties to the marriage if both are of full age, or by the guardian of either of the parties who is not of full age; and

(*c.*) By two witnesses present at the marriage ceremony.

Mode of registering divorce. Form No. 37.

167. The mode of registering a divorce under this Ordinance shall be as follows:—

(1.) An entry according to Form 37 in the first Schedule to this Ordinance shall be made in the District Register of Indian Immigrants' Divorces or in the Register of Indian Immigrants' Divorces kept by the Protector; and

(2.) Such entry shall be signed—

(*a.*) By the Registrar or Protector; and

(*b.*) In the case of Mahomedans of the Suni sect, by the party or parties who have effected the divorce, and by the witness or witnesses who identify such party or parties; or

(*c.*) In the case of persons other than Mahomedans of the Suni sect, by the party or parties who have effected the divorce, and by two witnesses of the same religion and subject to the same personal law as the party or parties who have effected the divorce, such witnesses having immediately before, and in the presence of the Registrar or Protector made and signed a declaration according to Form No. 38, in the first Schedule to this Ordinance.

Form No. 38.

Limit of time for registration.

168. Registration under this Ordinance of any marriage may be made at any time within twelve months after such marriage, or the attainment by the parties married of such ages of sixteen years and twelve years respectively as hereinbefore mentioned whichever shall last happen, and not later; and registration under this Ordinance of any divorce may be made within twelve months after such divorce and not later.

Provided always that it shall be lawful for any Stipendiary Justice of the Peace or Judge of the Supreme Court to order the registration of any marriage or divorce after the expiration of the said period of twelve months if good cause be shown for the omission to register previously, or if in the opinion of such Stipendiary Justice of the Peace or Judge registration is desirable to meet the justice of the case: Provided also that every application to a Stipendiary Justice of the Peace or a Judge for an order under this section shall be made, heard and determined in open Court at some public sitting of the Court held by the Stipendiary Justice of the Peace or Judge to whom such application shall be made.

Registration of marriages upon arrival of immigrants.

169. Upon the arrival of any ship having immigrants on board, the Protector shall inquire whether any of such immigrants stand in the relation of husband and wife. The declaration of a male and female immigrant that they stand in this relation shall, if uncontradicted by other evidence, be admitted by the Protector as evidence of such relation. Such declaration may be according to Form 39 in the first Schedule to this Ordinance.

Form No. 39.

The Protector, if after such inquiry it appears to him that a male and female immigrant stand in the relation of husband and wife, shall make entry of such marriage in his Register of Indian Immigrants' Marriages.

Appeal where registration refused.

170. Where, upon an application to register under this Ordinance any marriage or divorce, a Registrar or the Protector, as the case may be, refuses to make such registration, the applicant or either of the applicants whose application is refused may apply to the Supreme Court to have such registration made, and upon such application, if it appears that the registration ought to be made, the Court shall order the Registrar or the Protector to make such registration, and may make such order as to costs as seems just.

Cancelling registration.

171. Where registration under this Ordinance has been made of any marriage or divorce, any person aggrieved by such registration may apply to the Supreme Court to have such registration cancelled, and upon such application, if it appears that the registration ought not to have been made, the Court shall order the Registrar or the Protector, as the case may be, to cancel such registration, and may make such order as to costs as seems just.

Entries in Colonial Register.

172. Every Registrar not being the Chief Registrar shall transmit to the Chief Registrar a copy of every entry of a marriage or divorce made by him in his District Register of Indian Immigrants' Marriages or his District Register of Indian Immigrants' Divorces within one week after such entry is made, and the Chief Registrar shall forthwith enter in the Colonial Register of Indian Immigrants' Marriages a copy of every entry of a marriage made by him in his District Register of Indian Immigrants' Marriages and of every copy of an entry of a marriage transmitted to him by any other Registrar pursuant to this Ordinance, and shall forthwith enter in the Colonial Register of Indian Immigrants' Divorces a copy of every entry of a divorce made by him in his District Register of Indian Immigrants' Divorces and of every copy of an entry of a divorce transmitted to him by any other Registrar pursuant to this Ordinance.

Marriages registered by Protector.

173. A copy of every entry of a marriage made in the Protector's Register of Indian Immigrants' Marriages and Divorces shall, within one week after such entry is made, be transmitted by the Protector to the Chief Registrar, who shall make a corresponding entry in the Colonial Register of Indian Immigrants' Marriages or Divorces, as the case may be, distinguishing such entry as made upon the information of the Protector.

Power given to Protector of Immigrants to register all Indian marriages and divorces.

174. For the purposes of "The Marriage Ordinance, 1863," and with respect only to the marriages of immigrants the Protector of Immigrants shall have and exercise throughout the Island of Trinidad all the powers and shall perform all the duties which under or by virtue of the aforesaid "The Marriage Ordinance, 1863," are given or allotted to a District Registrar within the district of such Registrar.

PROCEDURE.

Procedure.

175. Any application to the Supreme Court under this part of the Ordinance and the subsequent proceedings thereupon shall be as prescribed by general orders made by the Court under this Ordinance, or if no such orders are made, and subject to such orders (if any) the application shall be by motion and the subsequent proceedings shall be according to the usual practice of the Court on motions. The procedure before a District Court shall be in accordance with "The District Courts Ordinance, 1888," and the procedure in applications to a Stipendiary Justice of the Peace shall be according to the Ordinance No. 47 of 1895, entitled "An Ordinance to consolidate and amend the Laws relating to Procedure in respect of offences punishable on Summary Conviction," or any other Ordinance amending the same respectively, except that the procedure before a Stipendiary Justice of the Peace sitting as a Judge of a Petty Civil Debt Court shall be according to the law for the time being in force regulating such Petty Civil Courts.

Publication of general orders.

176. All general orders made by the Judges of the Supreme Court under this Ordinance shall not have any force or effect until they have been approved by the Governor and the Legislative Council, and when so approved shall have the same force and effect as if they were contained in an Ordinance, and may be disallowed by Her Majesty in the same manner and with the same consequences as in the case of an Ordinance. All such general orders made by the Judges of the Supreme Court under this Ordinance shall be published in the *Royal Gazette*. Production of a copy of the *Royal Gazette* purporting to contain any such orders shall be *primâ facie* evidence of the making and tenor of such orders.

Proof of marriage or divorce.

177. An entry, whether purporting to be an original entry or not, in any register directed by this Ordinance or by "The Immigrants' Marriage and Divorce Ordinance, 1881," to be kept, shall be conclusive evidence till the contrary is proved of the marriage or divorce of the parties to whom the entry relates, and also subject to the provisions of Section 161 of this Ordinance of the date of such marriage or divorce, if the same is specified in the entry, and no other evidence of a marriage or divorce between immigrants but not effected under "The Marriage Ordinance, 1863," or other general law of the Colony relating to marriage shall be admissible in any proceedings whether criminal or civil.

Proof of entries in registers and certificates.

178. Where any entry is required by this Ordinance to be made in any register, *primâ facie* evidence may be given of such entry in all Courts of Justice and in all legal proceedings by production of a writing purporting to be certified by the person having the custody of such register to be a true copy of such entry.

Where any certificate is by this Ordinance required or authorized to be given, *primâ facie* evidence of such certificate may be given in all Courts of Justice and in all legal proceedings by production of a certificate apparently in accordance with this Ordinance and purporting to be signed as required by this Ordinance.

No proof shall be required of the handwriting or Official position of the person signing any certificate under this section.

Every certificate given under this Ordinance shall be *primâ facie* evidence of the facts therein certified.

The provisions of this section shall be deemed to be in addition to and not in derogation of any powers of proof under any existing law or Ordinance.

Right to search registers.

179. It shall be lawful for all persons at all reasonable times to search the entries in the Colonial or any District Register or the Protector's Register of Indian Immigrants' Marriages and in the Colonial or any District Register or the Protector's Register of Indian Immigrants' Divorces in the presence of the person in whose custody such registers respectively are and to have true copies certified under the hand of such person of any such entries: Provided that before allowing any such search or furnishing any such certified copy any such person shall be entitled to demand the following fees that is to say:—

For every search	One Shilling,
For every certified copy	One Shilling,

which fees shall be paid into the Colonial Treasury.

Offences.

Signing false declaration or certificate.

180. Every person making, signing, or attesting any declaration or certificate by this Ordinance required or authorised to be made or given, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be guilty of a misdemeanour, and on conviction thereof may be imprisoned with or without hard labour for any term not exceeding five years.

Forgery of certificates.

181. Any person who forges or alters in any material particular, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered in a material particular, any certificate by this Ordinance required or authorised to be given, shall be guilty of a misdemeanour, and on conviction thereof may be imprisoned with or without hard labour for any term not exceeding five years.

Offences by Protector of Immigrants.

182. The Protector of Immigrants,

(1.) If he fails to enter forthwith in the Protector's Registers of Indian Immigrants' Marriages or Divorces any marriage or divorce which he is required to enter therein, or

(2.) If he fails to transmit to the Chief Registrar a copy of any entry of marriage or divorce made in the Protector's Registers of Indian Immigrants' Marriages or Divorces within one week after the entry was made, or

(3.) If he fails to cancel any entry of marriage or divorce within one week after the certified copy or order authorising such cancellation reaches or is produced to him,

shall be guilty of an offence against this Ordinance, and be liable to a penalty not exceeding Ten Pounds.

Offences by Chief Registrar.

183. The Chief Registrar,

(1.) If he fails to enter in the Colonial Register of Indian Immigrants' Marriages

(*a.*) a copy of any entry of a marriage made in his District Register of Indian Immigrants' Marriages immediately after such entry was made, or

(*b.*) a copy of any copy of an entry of a marriage transmitted to him pursuant to this Ordinance within one week after such copy reaches him, or

(2.) If he fails to enter in the Colonial Register of Indian Immigrants' Divorces

(*a.*) a copy of any entry of a divorce made in his District Register of Indian Immigrants' Divorces immediately after such entry is made, or

(*b.*) a copy of any copy of an entry of a divorce transmitted to him pursuant to this Ordinance within one week after such copy reaches him,

shall be guilty of an offence against this Ordinance and be liable to a penalty not exceeding Ten Pounds.

Offences by Registrars.

184. Any Registrar guilty of any of the following offences that is to say,

(1.) Who fails to register forthwith any marriage or divorce which he is by this Ordinance required to register, or

(2.) Who fails to transmit to the Chief Registrar a copy of any entry of a marriage or divorce made in his District Register of Indian Immigrants' Marriages, or in his District Register of Indian Immigrants' Divorces, pursuant to this Ordinance, within one week after such entry was made, or

(3.) Who fails to cancel any entry of marriage or divorce within one week after the certified copy or order authorizing such cancellation reaches or is produced to him,

shall be guilty of an offence against this Ordinance, and be liable to a penalty not exceeding Ten Pounds.

Protection of Wives of Immigrants.

Procedure where immigrant threatens violence to his wife.

185. Where any male immigrant threatens to murder, wound, beat, or ill-treat his wife or any woman with whom he may have cohabited or seek or desire to cohabit, a Stipendiary Justice of the Peace on being informed thereof, and being satisfied that there is reason to apprehend that bodily injury may be inflicted on any such woman, shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats.

Any immigrant who uses any such threats may be arrested and detained by any constable until a warrant can be obtained.

Every immigrant using any such threats shall be guilty of an offence against this Ordinance, and on conviction shall be liable to be imprisoned with or without hard labour for any term not exceeding one month.

Immigrants to be transferred in certain cases.

186. Where it is proved to the satisfaction of a Stipendiary Justice of the Peace that there is reason to apprehend that an immigrant on a plantation may inflict bodily injury on his wife or on any woman, and that on account of jealousy it is expedient to remove from any plantation any immigrant under indenture of

such plantation, it shall be lawful for such Stipendiary Justice of the Peace to direct that such last mentioned immigrant shall be removed to some other plantation, and that the indenture shall be transferred.

Every immigrant under indenture so ordered to be removed may be detained in custody until his transfer to some other plantation.

Magistrate to inquire whenever reason to apprehend violence.

187. Where a Stipendiary Justice of the Peace is informed or where in any proceeding whatever it appears to a Stipendiary Justice of the Peace that there is reason to apprehend that any immigrant may inflict bodily injury on any woman, the Stipendiary Justice of the Peace shall make full investigation as to the circumstances, and shall examine on oath such witnesses as may be necessary, and shall forward a copy of the proceedings to the Protector who shall act as the circumstances may require; and the Stipendiary Justice of the Peace may order any immigrant to be detained in custody until the Protector can take such action as may be necessary: Provided that no immigrant shall be detained under the provisions of this section for more than fourteen days.

Punishment for enticing wife of immigrant or cohabiting with her.

188. Every person who entices away or cohabits with the wife of an immigrant, or who unlawfully harbours the wife of an immigrant who has left her husband without just cause, shall be guilty of an offence punishable on summary conviction, and on conviction shall be liable to a penalty not exceeding Twenty Pounds, or to imprisonment with hard labour for any term not exceeding six months or both, and on a second or subsequent conviction shall be deemed guilty of a misdemeanour, and on conviction thereof before the Supreme Court shall be liable to be fined in any sum not exceeding One Hundred Pounds or to be imprisoned with or without hard labour for any term not exceeding two years:

Provided that no person shall be convicted under this section for cohabiting with the wife of an immigrant if he establishes to the satisfaction of the Stipendiary Justice of the Peace or Court before whom such person is tried that the wife was deserted by her husband, or that the husband compelled her to leave his house, or that such cohabitation was with the knowledge and consent of the husband. No proceeding under this section shall be taken before any Stipendiary Justice of the Peace or Court except with the consent of the husband of the female immigrant or of the person having the care of such female immigrant on behalf of her husband.

A husband convicted of aggravated assault upon his wife, Court or Magistrate may make order wife no longer bound to cohabit with husband, and also for payment of alimony by husband.

189. If a husband being an immigrant shall be convicted summarily or otherwise of an aggravated assault within the meaning of Ordinance No. 6 of 1868, Section 4, upon his wife, the Stipendiary Justice of the Peace or Court before whom he shall be so convicted may, if satisfied that the future safety of the wife is in peril, order that the wife shall be no longer bound to cohabit with her husband; and such order may further provide,

(1.) That the husband shall pay to his wife such weekly sum as the Stipendiary Justice or Court may consider to be in accordance with his means, and with any means which the wife may have for her support and for the support of such children, if any, of the marriage the legal custody of whom shall have been given to the wife by such order, and the Stipendiary Justice of the Peace or Court by whom any such order for payment of money shall be made shall have power from time to time to vary the same on the application of either the husband or the wife, upon proof that the means of the husband or wife have been altered in amount since the original order varying it shall have been made;

(2.) That the legal custody of any children of the marriage under the age of ten years shall, in the discretion of the Stipendiary Justice of the Peace or Court, be given to the wife.

Provided always, that no order for payment of money by the husband, or for the custody of children by the wife, shall be made in favour of a wife who shall be proved to have committed adultery, unless such adultery has been condoned; and that any order for payment of money or for the custody of children may be discharged by the Stipendiary Justice of the Peace or Court by whom such order was made upon proof that the wife has, since the making thereof, been guilty of adultery: And provided also, that all orders made under this section shall be subject to appeal to the Supreme Court of Trinidad and Tobago in the form and manner prescribed by any Ordinance for the time being regulating appeals from decisions of Stipendiary Justices of the Peace.

190. In every case of such order being made the wife shall, from the date of the sentence and whilst the separation shall continue, be considered as a *feme sole* with respect to property of every description which she may acquire or which may come to or devolve upon her; and such property may be disposed of by her in all respects as a *feme sole*, and on her decease the same shall, in case she shall die intestate, go as the same would have gone if her husband had been then dead: Provided that if any such wife should again cohabit with her husband, all such property as she may be entitled to when such cohabitation shall take place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

In case of order made the wife to be considered a *feme sole* with respect to property she may acquire, &c.

191. In every case of such order being made, the wife shall, whilst so separated, be considered as a *feme sole* for the purposes of contract, and wrongs and injuries, and sueing and being sued in any civil proceeding; and her husband shall not be liable in respect of any engagement or contract she may have entered into, or for any costs she may incur as plaintiff or defendant: Provided that where upon any such order being made alimony has been decreed or ordered to be paid to the wife, and the same shall not be duly paid by the husband, he shall be liable for necessaries supplied for her use: Provided also, that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Also, for purposes of contract and sueing.

192. If any male immigrant shall have made to any female immigrant or to her parents or guardians or either of them any payment or gift of money, securities for money, jewelry, food, clothing or other chattel in consideration of the betrothal or marriage or promise in marriage of such female immigrant and such betrothal or promise has not been followed by actual marriage and by the registration of such marriage it shall be lawful for such male immigrant to sue for and recover back in an action any such gifts or the value thereof and the amount of any money made and paid as aforesaid and whether made or paid before or after the commencement of this Ordinance any law Ordinance rule of law or custom to the contrary notwithstanding: Provided always that where the value of such gifts and the amount of such money do not together exceed £50 the proceedings shall be by plaint in any District or Petty Civil Court, and every Judge of a District Court and Stipendiary Justice of the Peace having cognizance of Petty Civil Actions is hereby authorised and required to entertain and adjudicate upon any claim brought before him under this section any law or Ordinance to the contrary notwithstanding.

Right of action to recover gifts, &c., in consideration of marriage or betrothal.

Proceedings to be in Inferior Court.

193. Any husband being an immigrant may on complaint to the Judge of any District Court or to any Stipendiary Justice of the Peace sitting for the hearing of Petty Civil Actions claim and recover damages not exceeding £50 from any person on the ground of such person having committed adultery with the wife of such complainant and whether such adultery took place before or after the commencement of this Ordinance and the claim made by such complainant in such case shall be heard and tried on the same principles as actions for Criminal Conversation were wont to be tried and decided in Courts of Common Law in England, and every Judge of a District Court and Stipendiary Justice of the Peace is hereby empowered and required to entertain and adjudicate upon any claim brought before him under this section any law or Ordinance to the contrary notwithstanding.

Proceedings in nature of action for Criminal conversations may be commenced in Inferior Courts.

PART XI.

Transfer and Determination of Indentures.

194. If within three months after the allotment of any indentured immigrant, he dies, or it appears that he has any such disease or other disability as may render him permanently unable to perform service under indenture, and if the employer sends to the Protector a certificate of the death, disease, or disability of such immigrant under the hand of the Government Medical Officer of the District, specifying the particulars of such death, disease, or disability, the Protector may declare the indenture of such immigrant void; and the indenture fees paid in respect of such immigrant shall thereupon become repayable to the employer out of the Immigration Fund.

Declaring of indenture void in case of death or disability of immigrant within six months after allotment.

195. The commutation money payable under this Ordinance on the determination or transfer of the indenture of any immigrant shall be computed at the rate of five shillings for every month or part of a month which may be wanting to make up

Computation of commutation money.

service under indenture in the Colony of five years and of two and a half pence for every working day endorsed by the Protector on the indenture of such immigrant.

Commutation by husband or wife.

196. Any indentured immigrant who is married to a wife or husband indentured on another plantation shall be entitled, upon giving three months' notice to the employer, to determine his or her own indenture on payment of the commutation money; and if the employer of such wife or husband, on the request of the commuting immigrant, advances such commutation money, the commuting immigrant may be re-indentured to such employer for a period equal to the unexpired remainder of the indenture so commuted.

Commutation by mother of minor.

197. On the termination of the indenture of any female immigrant, whether by expiration of time, by commutation or otherwise, she shall be entitled to remove with her from the plantation her minor and infant children, on payment of the commutation money for any such minor under indenture in respect of whose indenture the employer may have paid any indenture fee; and if such female immigrant so removes in order to become indentured to a new employer, and such employer advances, on her request, the commutation money of any such minor immigrant, the minor may be re-indentured to such employer for a period equal to the unexpired remainder of the indenture so commuted.

Determination of indenture by the Protector on payment of commutation money

198. The Protector may, with the sanction in writing of the Governor, at any time determine the indenture of any immigrant: Provided that the Protector may, with the like sanction, indenture the immigrant to any other employer willing to accept such services for a term equal to the period of time of the previous indenture remaining unexpired at the time of its determination and pay the remaining indenture fees.

Transfer of immigrants.

199. If at any time it appears to the Governor, on sufficient ground shown to his satisfaction, that all or any of the immigrants indentured on any plantation should be removed therefrom, it shall be lawful for him to transfer the indentures of such immigrants for the remainder of their respective terms of service to any other employer who may be willing to accept their services and pay the remaining indenture fees.

Transfer of immigrant on determination of lease.

200. Every lessee of a plantation whose term of lease expires before the termination of the indenture of any immigrant indentured to him on such plantation shall be entitled to have such immigrant transferred for the unexpired remainder of his term of service to any employer, approved of by the Protector, who may be willing to accept his services and to pay the remaining indenture fees: Provided that of any such employers the first option of having such transfer made to him shall lie with the lessor of the plantation.

Transfer of services of immigrant on sale, &c., of plantation.

201. In the event of any plantation on which an immigrant is under indenture being sold, either by private contract, or at execution sale, or being leased, or devolving by inheritance, devise, or otherwise, such immigrant shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, administrators, or assigns, and for the same term, as he would have been bound to render to his original employer.

Other provisions as to transfer.

202. Other provisions relating to the transfer of immigrants are contained in Part VII. and Part X.

Permissible removal, temporary transfer, and determination.

203. The Protector may,—

(1.) On the request of any employer, allow all or any of the immigrants indentured to such employer on any plantation to be removed to any other plantation in the possession or under the management of the same employer; or

(2.) Allow any such immigrant to be temporarily transferred for any term, not exceeding twelve months to any plantation the owner of which may be willing to accept his services, and during such term such immigrant shall be deemed to be indentured to such other employer for all the purposes of this Ordinance; or

(3.) On the joint request of any employer and his indentured immigrant, allow the indenture of such immigrant to be determined, with or without the payment of commutation money:

Provided that no such removal, transfer, or determination shall in any manner affect any lien of the Colony upon the original plantation, or the pecuniary liability of any employer to the Immigration Fund.

Determination of indenture for ill-treatment.

204. Upon report made by any Magistrate of the conviction of any employer by him under this Ordinance for ill-usage of an indentured immigrant or for the unlawful withholding of the wages of an indentured immigrant, the Governor shall have power to declare the indenture of such immigrant determined, and may thereupon direct the Protector to re-indenture such immigrant for the remainder of his term of service to any other employer who may be willing to accept his services and pay the remaining indenture fees.

Computation of duration of indenture.

205.—(1.) The indenture of an immigrant shall not determine by effluxion of time, unless the immigrant has fulfilled the legal obligations imposed on him by such indenture.

(2.) Every indenture of an immigrant, although it may purport to be for a fixed period of time, is hereby declared to be for a term of actual service equal in duration to the period of time for which the immigrant has become bound to serve under the indenture, and every such indenture shall continue in force until the immigrant has performed service thereunder for such term.

(3.) Provided that when an indentured immigrant shall as shown by the books of the estate have earned the sum of £72 18 4 ($350) his indenture shall cease and determine and he shall be entitled to receive from the Protector free of charge a certificate of exemption from labour notwithstanding the provisions contained in this Ordinance.

Exclusion of certain periods in computation of term of indenture.

206. In reckoning the term of service of any immigrant under indenture for the purpose of ascertaining the time when such indenture determines, all periods of time shall be excluded during which the immigrant has been absent from his work for any of the following causes, that is to say,—

(1.) Imprisonment: Provided that imprisonment shall not, for the purposes of this section, include detention in respect of any proceeding which results in the acquittal or discharge of the prisoner, whether from want of prosecution or from any other cause;

(2.) Desertion; and

(3.) Unlawful absence duly certified as such by the Protector:

Provided that no indentured immigrant shall be deemed to have been absent from his work, within the meaning of this section, on account of any desertion, unless such immigrant has been duly convicted of such desertion: Provided also that this section shall not apply to any imprisonment, desertion or unlawful absence which is not duly recorded in the Register of Defaulters.

Prohibition of other transfers, &c.

207. Except as in this Ordinance provided, no indenture shall be transferred or determined either by agreement between the employer and the immigrant or otherwise.

Recording of transfers and determinations.

208. The Protector shall record every transfer, other than a temporary transfer, and every determination of an indenture in the General Register of Immigrants introduced into the Colony, and shall deliver to the employer to whom any immigrant is transferred a new Indenture List, and such employer and immigrant shall thereupon be and be taken to be bound by such indenture accordingly.

PART XII.

Certificates of Exemption from Labour.

Granting of certificate of exemption from labour.

Form No. 40.

209.—(1.) Every immigrant who may have completed or who may hereafter complete any term of service under indenture, whether entered upon before or after the commencement of this Ordinance, or whose indenture may have been duly determined or may hereafter be determined under this Ordinance, shall be entitled to receive free of charge, a certificate of exemption from labour, such certificate to be delivered to him by the District Inspector.

(2.) The Protector shall record every such certificate in the General Register of Immigrants introduced into the Colony.

Manager to give notice to Protector of completion of indenture. Form No. 41.

210. The Manager of every plantation shall give notice to the Protector of every immigrant who has completed his term of service under indenture within 14 days of such completion and upon the receipt thereof the Protector shall deliver to such immigrant a certificate of exemption from labour.

Granting of certificate to disabled immigrant.

211.—(1.) The Protector may grant to any immigrant who is at any time, in his opinion, permanently disabled and unfit to perform service under indenture, and who is certified to be so by the Government Medical Officer, a certificate of exemption from labour.

(2.) In every such case the cause of disability shall be specified in the certificate of the Medical Officer.

PART XIII.

Passports, Return Passages and Unlawful Enlistment.

Granting of passport to Indian immigrant.

Form No. 42.

Form No. 43.

212. Every immigrant who has obtained or become entitled to a certificate of exemption from labour, and who is desirous of quitting the Colony, shall apply to the Protector for a passport; and the Protector shall, within one week from the date of such application, deliver to him, free of charge, a passport available for fourteen days from the date thereof, and shall register such passport in the Register of Passports; and the certificate of exemption from labour of such immigrant or his right to receive such certificate, as the case may be, shall thereupon be suspended.

Quitting the Colony without passport.

213.—(1.) No immigrant shall quit or attempt to quit the Colony unless he has previously obtained a passport from the Protector.

(2.) Every immigrant who contravenes this section shall be liable to a penalty not exceeding Five Pounds.

Limitations of right to passport.

214. No passport shall be granted to any indentured immigrant, and no passport, except with the special permission of the Governor, shall be granted to any immigrant introduced into the Colony at the expense, either wholly or in part, of the Colony or of the Immigration Fund who has not resided in the Colony for at least five years after his introduction, unless such immigrant pays to the Protector a sum equal to the entire cost of his introduction, and such sum shall be ascertained and determined by the Protector.

Receiving on board ship of immigrant without passport with intent to carry him out of the Colony.

215.—(1.) Every owner, master, or person in charge of any ship who receives or harbours on board such ship or elsewhere any immigrant who has not obtained a passport or whose passport has expired, with intent to carry such immigrant out of the Colony, shall be liable to a penalty not exceeding Twenty Pounds for each such immigrant whom he may have so received or harboured, and, in default of payment of such penalty, to imprisonment, with or without hard labour, for any term not exceeding six months.

(2.) Such ship shall be liable for the amount of the penalty imposed by the Magistrate on such owner, master or person in charge and such amount and costs may be recovered and realized by the seizure and sale of such ship, her tackle, apparel and furniture by order of the Supreme Court.

(3.) Such order shall be made on a summons issued by the Supreme Court calling on the person convicted and the owners of such ship without naming such owners to show cause why the amount of penalty and costs should not be paid. On the return of such summons the Judge may make order for the sale of such ship, her tackle, apparel and furniture at such time and in such manner as he may deem expedient.

(4.) The Rules of Procedure of the Supreme Court with respect to summonses in Chambers shall apply to summonses under this section.

Form No. 44.

(5.) The charge of any offence under this section may be preferred by any person within two years after the commission of the offence.

Aiding departure of immigrant without passport.

216. Every person who aids, abets, counsels or persuades the departure from the Colony of any immigrant who has not obtained a passport, or whose passport has expired, shall be liable to a penalty not exceeding Twenty Pounds for each such immigrant whose departure he has so aided, abetted, counselled or persuaded, and, in default of payment of such penalty, to imprisonment, with or without hard labour, for any term not exceeding six months.

Prohibition of enlisting labourers for foreign parts except under license.

217. Subject to the proviso contained in this section no person shall by threat, promise, representation or any other means induce or attempt to induce any immigrant to agree to leave this Colony with intent to induce or compel such immigrant to do any work, labour or service in any place beyond the limits of this Colony: Provided that the prohibition of this section shall not apply to any person who in pursuance of a license under the hand of the Governor induces or attempts to induce

immigrants to leave the Colony in order to do work, labour or service in a place beyond the limits of this Colony to which emigration from British India is permitted.

Any person contravening this section shall be guilty of a misdemeanour, and on conviction thereof before the Supreme Court may be fined in any sum not exceeding Five Hundred Pounds and in lieu of any such fine may be imprisoned with or without hard labour for any term not exceeding two years.

Penalty for forcibly removing immigrants from the Colony.

218. Any one who removes or aids or assists in removing from this Colony any immigrant contrary to the will of such last-mentioned immigrant shall be guilty of a misdemeanour, and on conviction thereof before the Supreme Court may be imprisoned with or without hard labour for any term not exceeding five years.

Enabling illegally enlisted labourers to leave the Colony.

219. When any immigrant has agreed to leave this Colony having been induced to enter into such agreement contrary to the prohibition of this Ordinance, any one who removes or aids, abets or assists in removing from this Colony or enables or aids, abets or assist in enabling to leave this Colony any such immigrant, knowing or having reasonable grounds to believe that such immigrant has been induced to agree as aforesaid contrary to the prohibition of this Ordinance, shall be guilty of a misdemeanour, and on conviction thereof before the Supreme Court may be fined in any sum not exceeding One Hundred Pounds, and in lieu of any such fine may be imprisoned with or without hard labour for any term not exceeding two years.

220. The term " immigrant " in the three preceding sections means any Asiatic immigrant and any descendant of an Asiatic immigrant.

Right of immigrant to return passage.

221. Every immigrant who arrived in this Colony before the 5th day of August, 1898, and shall have completed a continuous residence of ten years in the Colony and has during that time obtained or become entitled to a certificate of exemption from labour shall if such immigrant desires to return to the country in which he was recruited, be entitled to be provided with a passage back to the port whence such immigrant sailed for this Colony, on payment of one-fourth of the passage money in the case of males and of one-sixth thereof in the case of females, and the cost of the outfit for the voyage. And every immigrant who has or shall have arrived after such 5th day of August, 1898, and is otherwise entitled as herein specified shall be entitled to such return passage on payment by him of one-half the passage money in the case of males and of one-third thereof in the case of females, the cost of outfit for the voyage being similarly paid by such returning immigrant.

Provided in either case as follows:—

(1.) Every such immigrant who is destitute or disabled shall be entitled to a free passage.

(2.) The wife and every son and daughter of every such immigrant and person being an immigrant or the descendant of an immigrant who is dependent on any such immigrant shall be entitled to a free passage if such wife or son or daughter or other person sails from this Colony with her husband or his or her parent or with the person on whom he or she is dependent as the case may be but not otherwise.

(3.) Where any son or daughter of any immigrant is a child under the age of twelve years the Governor may refuse a return passage to such child, if it appears that it is desirable, in the interests of the child, that the child should remain in the Colony.

(4.) If the child of any immigrant is under indenture upon which any indenture fee has been paid he shall pay the commutation money: and

(5.) Every immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a return passage, whether wholly or partly, at the expense of the Colony notwithstanding he may have resided ten years in the Colony.

This section shall not affect the rights of immigrants who have been engaged on the terms of being entitled to a return passage wholly at the expense of the Colony.

The right to a return passage in terms of this section shall be subject, in the case of every person who has previously proceeded to the Colony as an immigrant and

has returned to the country in which he was recruited, to any condition made with him on her or his or her engagement that he or she shall have no right to a free or reduced return passage.

Provided, however that the Protector may with the express sanction of the Governor, in any particular case and for special cause, relax any of the provisoes of this section.

Granting of return passage to disabled Indian immigrant.

222. The Protector may order any immigrant who has received a certificate of exemption from labour under Section 211 to be provided, if he so desires, at the expense of the Immigration Fund, with a return passage to the port whence he sailed for this Colony.

Inspection, &c., of ship with return immigrants.

223. Before the departure of any ship chartered at the expense of the Colony having returned immigrants on board, the Protector, assisted by a Government Medical Officer, shall inspect the ship and the immigrants, and ascertain whether the arrangements made for the passage and for the treatment of the immigrants on board are in conformity with the law and shall make out a list of the immigrants on board such ship who are entitled to a return passage in accordance with the provisions hereof, and shall deliver the same to the Surgeon Superintendent for the use of himself and the master of such ship, and shall certify upon such list the total number and description of the immigrants embarked, together with the state and condition of such immigrants, and that they have been provided with clothing suitable for the voyage.

Transmission of report of inspection to the Governor.

224. The Protector shall transmit to the Governor his report on the inspection and shall also require and transmit therewith the report of the Medical Officer who assisted in the inspection.

PART XIV.

Registers, Returns, and Certificates.

Half yearly returns of deaths of immigrants in Public Institutions.

225. The superintendent, keeper, or other officer in charge of any prison, hospital or other public institution of the Colony shall, on or before the first day of January and the first day of July in every year, make out and transmit to the Protector a return of all immigrants who may have died while inmates of such public institution during the six months previous to such months of January and July respectively, and shall transmit therewith any certificate given under this Ordinance which may be found in the possession of any such immigrant.

Registers to be kept on plantation.

226.—(1.) Every manager of a plantation on which any immigrant may be under indenture or contract of service shall keep a register book or register books.

(2.) Such book or books shall be at all times open to the inspection of the Protector, of the Surgeon-General and of the Government Medical Officer, and shall be produced in Court, if the presiding Judge or Magistrate so requires, in all proceedings taken under this Ordinance by or against any immigrant under indenture or contract of service on such plantation.

(3.) Such book or books shall include the following particulars:—

Form No. 11. (*a.*) The several indenture lists received by the manager on allotment of immigrants, or any copies of such indenture lists which have been certified by the Protector;

Form No. 15. (*b.*) A Register of Dwellings of Indentured Immigrants;

Form No. 31. (*c.*) A Register of Absences on Leave;

Form No. 32. (*d.*) A Register of Desertions;

Form No. 45. (*e.*) A Register of Births of Immigrants occurring on such plantation; and

Form No. 46. (*f.*) A Register of Deaths of Immigrants occurring on such plantation.

Form No. 18. (*g.*) A Case and Hospital Register.

Form No. 23. (*h.*) A Register of Cases before the Magistrate.

Making of false entry in register, &c., by manager.

227. Every manager who—

(1.) Wilfully makes any false entry in any register or return required to be kept or made by him under this Ordinance; or

(2.) Neglects to keep any such register carefully noted up; or

(3.) Neglects to make out and send in any such returns within the time limited in that behalf, shall be liable, on the complaint of the Protector, to a penalty not exceeding Five Pounds.

Medical returns, &c.

228. Every Government Medical Officer shall, within one month after the end of each quarter, transmit to the Surgeon-General a return of all the diseases entered in the Case and Hospital Register within his district, and the Surgeon-General shall in the month of April in every year, make out a statistical abstract of all such returns for the preceding year, with a report thereon, and a duplicate copy of such abstract and report shall be transmitted by the Surgeon-General to the Protector, to be laid by him, together with his own report, before the Governor and Legislative Council.

Loss of certificate of exemption from labour, &c.

229.—(1.) Every immigrant whose certificate of exemption from labour has been lost or destroyed shall be entitled, on proving, to the satisfaction of the Protector, that he is then entitled to such certificate and that such certificate has been lost or destroyed, and on payment of Two Pounds, to receive a duplicate of such certificate: Provided that the Protector may, if he thinks fit, grant any such duplicate certificate on payment of any lesser fee.

(2.) Every employer shall at any time be entitled to a duplicate of any indenture list of immigrants delivered to him, on payment of One Pound or of five pence per immigrant if the immigrants are less than fifty in number.

(3.) Every employer and every immigrant shall be entitled to receive a certified extract from any register kept by the Protector, on payment of one shilling for every such extract.

Use by an immigrant of certificate or pass of another immigrant.

230. If any immigrant uses or attempts to use any certificate of exemption from labour or any pass signed by an employer, not being the immigrant to whom such certificate or pass was granted, he shall be liable to a penalty not exceeding Five Pounds or to imprisonment, with or without hard labour, for any term not exceeding two months, or to both such penalty and imprisonment.

Forgery of certificate of exemption from labour.

231. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate of exemption from labour mentioned in this Ordinance or any indorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Forgery of passport or pass.

232. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any passport or pass mentioned in this Ordinance, with intent to defraud, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding one year.

PART XV.

PROCEDURE.

Procedure generally.

233.—(1.) Every information laid and every complaint made under any of the provisions of this Ordinance shall be laid or made before the Magistrate of the district in which the offence was committed or the cause of complaint arose, and the procedure for the recovery of any fine or penalty or the enforcement of any imprisonment under the provisions of this Ordinance shall, unless otherwise provided by this Ordinance, be that provided by "The Summary Conviction Offences (Procedure) Ordinance, 1895," or according to any future Ordinance regulating the Summary Administration of Justice, and shall be subject to appeal to the Supreme Court: Provided that any such information or complaint against an indentured immigrant shall be laid or made within one month from the date of the offence or cause of complaint, or, in case of desertion, within one week from the date at which the deserter is apprehended: Provided also that if the Protector, on behalf of any indentured immigrant wishes to bring any summary conviction or order or other adjudication of any Magistrate in any case of summary jurisdiction under this Ordinance on appeal before the Supreme Court, he may do so in the manner prescribed by the Ordinance in that behalf.

Fees.

(2.) No fees shall be demandable of or payable by such indentured immigrant or such employer in respect of any information, summons or other process to be had on such proceedings.

Copy of notes, &c.

(3.) Every copy of notes of evidence or of any other process required by the Protector shall be furnished from the Registrar's Office, or by the Clerk to the Magistrate, free of charge.

Power to the Protector to act for immigrant.

234. Every information which may be laid and every complaint which may be made under this Ordinance by an immigrant may be laid or made by the Protector on his behalf.

Appearance of the Protector.

235. In any proceeding taken by the Protector under this Ordinance, it shall not be necessary for him to attend in person, unless he is a material witness, but he may authorize any Officer of the Immigration Department to appear on his behalf.

Appearance of employer.

236. In any proceeding taken by an employer against an immigrant under this Ordinance, it shall not be necessary for the complainant to attend in person unless the complainant is a material witness on the part of such immigrant, in which case the hearing may be postponed in order to obtain his appearance.

Admissibility of evidence of defendant.

237. The defendant in any proceeding under this Ordinance shall be entitled to be sworn and to tender his evidence on oath; and every immigrant shall make such oath or affirmation as he may declare to be binding on his conscience, and shall be liable, in case of falsehood, to be convicted and punished as for perjury.

Statement of ownership of property.

238. In any proceeding taken by or against an employer in which it may be necessary to state the ownership of any property belonging to or in the possession of the proprietors of any plantation, it shall be sufficient to name any one of such proprietors, or the attorney of such proprietors, and to state such property to belong to the person so named and another or others, as the case may be.

Proof of indenture list, &c.

239. In any proceeding taken by or against an immigrant, any indenture list or certificate of exemption from labour, and any duplicate thereof signed by the Protector, and every certified extract from any register kept by the Protector, shall be received in evidence of any fact therein recorded without further proof.

Power for Magistrate to order indentured immigrant before him to be conveyed to hospital.

240.—(1) Whenever, in any proceeding before a Magistrate against an indentured immigrant, it appears to the Magistrate that such immigrant requires medical care or to be medically examined, the Magistrate may order such immigrant to be taken to the hospital of the plantation on which such immigrant is indentured, or to the nearest Public Hospital, and thereupon such immigrant shall be conveyed by the Police and admitted to such hospital.

(2.) If a warrant has been issued for the apprehension of such immigrant as a deserter and he quits the hospital without being duly discharged, the warrant shall revive and be in full force immediately on his so doing.

(3.) When any such order is made the proceedings may be adjourned to any time mentioned or until after such immigrant is discharged from the hospital; and in this latter case the Magistrate, before continuing the proceeding, shall cause proper intimation to be given to the parties of the time and place at which the proceeding will be continued.

Imprisonment of indentured immigrant.

241. Any Magistrate who orders any indentured immigrant to be imprisoned by virtue of any conviction under this Ordinance may order such immigrant to be imprisoned either with or without hard labour.

Admission of immigrant sentenced to imprisonment to bail in certain cases. Form No. 47.

242.—(1.) Whenever any indentured immigrant is sentenced to be imprisoned under any summary conviction or order by a Magistrate for any alleged offence under the provisions of this Ordinance, and the Protector appeals to the Supreme Court, the Magistrate shall thereupon admit such immigrant to bail in his own recognizance, in a sum not exceeding Twenty Pounds, to render himself to prison according to the adjudication in case the adjudication is affirmed, and the adjudication if affirmed shall be enforced in the manner provided by "The Summary Conviction Offences (Procedure) Ordinance, 1895" or according to any future Ordinance regulating the Summary Administration of Justice.

(2.) If the immigrant has been committed to prison before the Protector has appealed, then and in every such case the Superintendent of the Prison wherein the immigrant is imprisoned shall admit the immigrant to bail as aforesaid on receiving notice in writing from the Protector that he has appealed.

Certified copy of proceedings before Magistrate.

243.—(1.) Every Magistrate shall, on application made to him, furnish to the Protector, free of cost, a certified copy of any summary proceedings taken or had by such Magistrate in respect of any matter arising out of the provisions of this Ordinance in which any immigrant is concerned, and such copy shall include a certified copy of the information or complaint, the evidence, and the conviction or order.

(2.) The Magistate shall furnish such copy within seven days from the day on which he receives the application of the Protector for the same.

Copy of warrant of commitment of immigrant.

244. The keeper of every prison shall, on application made to him, furnish to the Protector, free of cost, a copy of the warrant of commitment or other authority by virtue whereof such keeper detains in custody any immigrant for any alleged breach of the provisions of this Ordinance

Notification by Magistrate of conviction of indentured immigrant.

Form No. 48.

245.—(1.) When any indentured immigrant is convicted of any offence committed by him after the commencement of this Ordinance, and is sentenced by any Magistrate to pay a fine or penalty, or to be imprisoned with or without hard labour, the Magistrate shall state on the face of the warrant of commitment, if the immigrant is committed to prison, that the person therein named is an indentured immigrant, if the fact is known to him, and shall, free of cost, forward to the employer of such immigrant, if such employer is known to him, or if the employer is not known to him, then to the Protector, a certificate, signed by himself, stating that such immigrant has been so convicted and sentenced, and the time if any, during which the immigrant was detained in custody while awaiting his trial before he was so convicted.

(2.) In case of desertion, the Magistrate shall also state in the conviction the date when such immigrant first quitted the plantation and the date when the charge was preferred against him for such desertion.

Notification by Magistrate in case of commital for trial.

Form No. 49.

246. When any indentured immigrant is charged with having committed any crime or offence after the commencement of this Ordinance and is referred by a Magistrate for trial at the Supreme Court, the Magistrate shall attach to the depositions taken by him in such matter, and transmit therewith, a certificate stating the time during which the immigrant has been in custody in respect of such charge before he was referred for trial, and whether or not the immigrant has been admitted to bail.

Certificate of conviction before Supreme Criminal Court.

Form No. 50.

247. When any indentured immigrant is convicted before the Supreme Court of any crime or offence committed by him after the commencement of this Ordinance, and is sentenced to be imprisoned, the Registrar of the Courts shall give to the employer of such immigrant, on his application, the certificate forwarded by the Magistrate with the depositions, and shall furnish to the employer, free of cost, a certificate stating that the immigrant mentioned in the certificate of the Magistrate was so convicted and sentenced, and shall state therein if the immigrant was admitted to bail, either before or after his trial, by any Judge of the Supreme Court.

PART XVI.

Miscellaneous Provisions.

Property of deceased indentured immigrants.

Mode of dealing with property of deceased indentured immigrant.

Form No. 51.

248.—(1.) Every Inspector shall collect and take possession of all the property of any indentured immigrant who dies in his district, and, with the sanction of the Protector, shall deliver or pay the same to any person who establishes a right thereto, or, in the absence of any such person, shall convert the same into money and pay over the amount realized to the Receiver-General to be remitted to the persons abroad who may be entitled to the same.

(2.) The Protector shall keep a book in which shall be recorded the particulars of any dealings with any such property.

(3.) The Receiver-General shall in the month of January in each year prepare a list of all balances appertaining to the estates of immigrants and shall cause such list to be published in the *Royal Gazette*.

(4.) The Protector shall forward a copy of every such list to the Emigration Agent in India who shall ascertain with as little delay as possible the heirs of such immigrants.

Protection of the Protector, &c., in relation to property.

249. No appeal to any Court shall lie from any decision of the Protector in respect of any claim made to or against the estate of any deceased indentured immigrant, and no action shall lie against the Protector or against any Inspector for any act done or omission made by him in the administration of the estate of any such deceased immigrant under the provisions of this Ordinance.

Proceeding by manager on death of indentured immigrant.

250. Every manager of a plantation shall, without delay, notify in writing to the Inspector of the district the decease of any indentured immigrant, and shall also, with the notification of his decease, transmit a short inventory of all the goods, chattels, personal effects, wages, and other assets which belonged or were due to such deceased immigrant.

Care of Orphans.

Appointment of guardian of orphan child of Immigrant.

251. The Protector may commit the care and custody of any orphan child of an immigrant to any person (hereinafter termed "the guardian") whom he may think a fit and proper person to have the charge of such orphan child, and may change such guardian whenever he thinks fit.

Interference with guardian, &c.

252. Every person who—

(1.) Wilfully interferes with a guardian in any of the duties of his guardianship; or

(2.) Unlawfully removes or entices, or attempts to remove or entice, an orphan from the care and custody of his guardian,

shall be liable, on the complaint of the Protector, to a penalty not exceeding Ten Pounds or to imprisonment, with or without hard labour, for any term not exceeding three months.

Training Schools.

Indian training schools.

253. It shall be lawful for the Governor upon application made to him by the person establishing, or the directors or managers of any Indian training school to direct the Protector, and the Inspector of industrial schools or either of them to examine and report to him upon its condition and regulations, and any such school as shall appear to the satisfaction of the Governor and shall be certified under his hand to be efficient for its purpose shall be held to be "An Indian Training School" under the provisions of this Ordinance.

Form No. 52.

Withdrawal of certificate of Training School.

254. It shall be lawful for the Protector and the Inspector of industrial schools to visit from time to time any school which shall have been so certified, and if upon the report of either of them the Governor shall think proper to withdraw such certificate, and certify such withdrawal under his hand to the Director and Managers of the said school, the same shall forthwith cease to be an Indian Training School within the meaning of this Ordinance.

Power of Protector to send Indian children to training school.

255. It shall be lawful for the Protector to direct any child or other descendant of any Indian immigrant introduced into this Colony at the public expense with the consent of the father, if living, and resident in this Island, or any such child being an orphan or abandoned by his parents to be sent to such Indian Training School; provided that no such child shall be so sent who shall be above the age of ten years, and that no child who shall be so sent to any such Indian Training School shall be liable to be retained at such school after he shall have attained the age of fifteen years, except with his consent.

Enticing or harbouring children absconding from training school.

256. Any person who shall knowingly entice any such child to abscond, or shall knowingly harbour any such child who may have absconded from any such school to which he shall have been sent by the Protector shall on conviction thereof before any Justice of the Peace forfeit and pay for every such offence any sum not exceeding Ten Pounds as to the convicting Justice shall seem fit.

Form No. 53.

Warrant to issue for harbouring children.

257. It shall be lawful for any Justice of the Peace, on complaint made that there is reasonable cause to believe that any such child is detained or harboured by any person, to order that a warrant do issue to search for such child, and it shall be lawful for the police constable to whom such warrant shall be directed or any other person acting in his aid to enter any house or other premises where such child may reasonably be suspected to be, and to deliver such child, if found, into the charge of the director or master of such training school.

Form No. 54.

Cost of maintenance to be defrayed out of immigration fund.

258. It shall be lawful for the Governor to defray out of the public moneys appropriated to immigration for the cost of the maintenance and clothing of any child who may be sent to any such Training School by the order of the Protector during the time that he may remain at such school such sum not exceeding Ten Pounds per annum for every such child as to the Governor shall seem fit.

Power of Governor to apprentice children from Truining Schools.

259. It shall be lawful for the Governor to apprentice any child who may have been trained at any Indian Training School on such child leaving such school, as a household servant, or as a servant in husbandry or gardening, or to any trade, craft, art, or mystery for any term not more than five years, determinable in every case upon such child attaining the age of eighteen years, or in the case of a female

upon her being married, upon such terms and conditions to be contained in the indenture of apprenticeship as to the Governor shall seem fit, and every such indenture shall be as binding on such child as if he or she being of full age had by deed of covenant bound himself or herself. Form No. 55.

260. Every master of any such apprentice who shall wilfully neglect or refuse to perform any of the terms or conditions contained in such indenture to be performed by such master shall, on conviction thereof before any Justice of the Peace, forfeit such sum not exceeding Twenty Pounds as to the convicting Justice shall seem fit. Penalty for breach of indenture.

261.—(1.) It shall be lawful for the master of any such apprentice with the consent of the Governor in writing to be indorsed on such indenture to assign such apprentice during the residue of his or her apprenticeship to any person willing to take such apprentice, and who may be approved of by the Governor. Transfer of apprenticeship.

(2.) In case of the death of the master of any such apprentice during the term of such apprenticeship it shall be lawful for the Governor to assign such apprentice for the residue of his term of apprenticeship to such person as the Governor shall see fit.

(3.) It shall be lawful for the Governor in any case where he shall see fit to cancel the indenture of such apprenticeship, and thereupon to bind such apprentice to some other person for a term equal to the unexpired term of his or her original service.

262. The Protector shall keep a Register of Orphans for the purposes of Sections 251 and 252, and also a Register of children in Training Schools and of apprentices under Sections 255, 259, and 261 of this Ordinance. Keeping of Register of Orphans. Form No. 56. Form No. 57.

Regulation of Festivals.

263. The Governor may make regulations for the government of the festivals of immigrants, and of the processions held by them in connexion therewith, and for defining the routes of such processions, and for preventing obstructions of the public highway by reason of such processions, and for securing the due maintenance of the public peace and tranquillity during such festivals and processions. Every such regulation shall be published in the *Royal Gazette*. Making of regulations for government of festivals.

264. Any such regulations may be either general and apply to every plantation or public highway of the Colony, or special and apply only to a particular plantation or public highway, to be specified in the regulations. Application for regulations

265. Every person who contravenes any such regulation shall be liable to a penalty not exceeding Twenty Pounds or to imprisonment, with or without hard labour, for any term not exceeding six months. Anyone offending against this section may be arrested without warrant by any constable within whose view the offence is committed and by him detained until he can be brought before a Justice of the Peace. Contravention of regulations

266. Any prosecution for the contravention of any such regulation may be made by any police constable. Prosecution for contravention.

Questions as to Age, etc.

267. Any question as to the age of an immigrant which may be raised under this Ordinance, other than a question in a Court of Justice, may be decided by the Protector, and his decision shall be final. Decision of question as to age of immigrant.

268. In any case where no punishment is provided for the contravention of any of the provisions of this Ordinance, every person who is guilty of such contravention shall be liable to a penalty not exceeding Five Pounds. Penalty for contravention of the Ordinance not provided for.

Temporary Provisions.

269. Every immigrant who may be under indenture at the commencement of this Ordinance, or who may be then liable to have his indenture prolonged, shall be bound to perform service under such indenture for a term equal in duration to the period of time for which the indenture may then remain unexpired or for which Completion of existing indentures.

the indenture may have been or may be lawfully prolonged, and the indenture of every such immigrant shall determine when the immigrant has performed such service.

Existing registers, &c.

270. Each and every register of whatever description heretofore kept by the Protector under any Ordinance relating to immigration and every indenture list made under any such Ordinance shall, subject to the provisions of this Ordinance, be taken to be registers and indenture lists kept and made under this Ordinance, and shall have and shall be taken to have the same force and effect as if they had originally been required to be kept and made and had been kept and made under the provisions of this Ordinance.

Effect of existing indentures.

271. All indentures entered into on or before the commencement of this Ordinance and recorded in any of the said registers and indenture lists shall, subject to the provisions of this Ordinance, be deemed to be indentures entered into and registered under this Ordinance.

Case of existing Officers of the Immigration Department.

272. Any officer of the Immigration Department who was appointed under any Ordinance hereby repealed shall continue to hold his appointment in the same manner as if such Ordinance had not been repealed, but subject to the provisions of this Ordinance.

Saving as to existing Medical Districts.

273. Nothing in this Ordinance shall affect the arrangement of the Medical Districts in existence at the commencement of this Ordinance.

Temporary use of existing forms.

274. Notwithstanding the enactment of forms in the First Schedule to this Ordinance, the Protector may allow any form in use at the commencement of this Ordinance to be used, either generally or in any special case, after the commencement of this Ordinance for such time, not exceeding twelve months, as he may think fit.

Continuance of existing regulations, &c.

275. Except in so far as they may be inconsistent with this Ordinance, all regulations and any dietary scale made under any Ordinance hereby repealed shall, notwithstanding such repeal, continue in full force and effect unless and until they are altered or repealed under this Ordinance.

Repeal of enactments. Second Schedule.

276. The enactments mentioned in the Second Schedule to this Ordinance are hereby repealed. The repeals by this Ordinance shall not effect the validity or invalidity of any thing done or suffered or any right accrued or liability incurred before the commencement of this Ordinance, or any proceeding pending or uncompleted at the commencement of this Ordinance.

Passed in Council this Seventeenth day of July, in the year of Our Lord one thousand eight hundred and ninety-nine.

C. J. ROOKS,
Acting Clerk of the Council.

SCHEDULES.

THE FIRST SCHEDULE.

FORMS.

Section 4.

TABLE OF FORMS.

No. 1. Summons on Inquiry.
No. 2. Oath on Inquiry.
No. 3. Affirmation on Inquiry.
No. 4. Return of Immigration Fees payable.
No. 5. Application for Immigrants.
No. 6. Register of Applications for Immigrants.
No. 7. Register of Immigrants introduced from elsewhere than British India (same as Form No. 10).
No. 8. Tickets for Immigrants (same as Verification Paper).
No. 9. Certificate by Owner or Master of Vessel (new Form Mauritius).
No. 10. General Register of Immigrants introduced into the Colony.
No. 11. Indenture List.
No. 12. Certificate of Exemption from Labour on arrival (new Form).
No. 13. Death-rate Return (existing Form).
No. 14. Re-indenture of Immigrants (existing Form).
No. 15. Register of Dwellings of Indentured Immigrants.
No. 16. Scale of Rations.
No. 17. Certificate for Hospital (existing Form).
No. 18. Case and Hospital Register of Plantation.
No. 19. Pay List.
No. 20. Complaint for an Offence by a Watchman.
No. 21. Complaint for being Drunk, &c.
No. 22. Complaint for using Threatening Words, &c.
No. 23. Register of Cases before the Magistrate.
No. 24. Quarterly Returns by Employers (existing Form).
No. 25. Quarterly Return.
No. 26. Complaint for being Absent without Leave.
No. 27. Certificate that Absence was for reasonable Cause or the Contrary.
No. 28. Complaint against a Deserter.
No. 29. Warrant for Apprehension of a Deserter.
No. 30. Particulars of Immigrant Absconded.
No. 31. Register of Absences on Leave.
No. 32. Register of Desertions.
No. 33. Certificate of Return of Indentured Immigrant to Plantation.
No. 34. Complaint against an Habitual Idler.
No. 35. Register of Defaulters.
No. 36. Register of Marriages.
No. 37. Register of Divorces.
No. 38. Declaration of Witnesses to a Divorce (existing Form).
No. 39. Declaration of Marriage on Arrival by two Immigrants.
No. 40. Certificate of Exemption from Labour.
No. 41. Notice of Completion of Term of Service by Immigrant.
No. 42. Passport.
No. 43. Register of Passports.
No. 44. Complaint against Owner, &c., of Ship for receiving Immigrant who had no Passport.
No. 45. Register of Births on Plantation.
No. 46. Register of Deaths on Plantation.
No. 47. Recognizance in case of Appeal.
No. 48. Certificate of Conviction of Indentured Immigrant by the Magistrate.
No. 49. Certificate of Reference of Indentured Immigrant for Trial.
No. 50. Certificate of Conviction of Indentured Immigrant by the Supreme Court.
No. 51. Register of Property of Deceased Immigrants.
No. 52. Certificate for Training School.
No. 53. Complaint for Enticing or Harbouring Children from Training Schools.
No. 54. Warrant for Search of Absconding Child.
No. 55. Indenture of Apprenticeship.
No. 56. Register of Orphans.
No. 57. Register of Children in Training Schools and Apprenticed.

Section 17.

FORM No. 1.

Summons on Inquiry.

To *of*

Take notice that, under the provisions of the Immigration Ordinance, 1899, you are required to attend before me at in the County of on day, the day of 18 at o'clock, m., then and there to give evidence touching the matter of a certain inquiry, to be then and there lawfully held by me, on pain as the law directs.

Dated this day of 18 .

(Signed.)

Protector of Immigrants.

Section 18.

FORM No. 2.

Oath on Inquiry.

The evidence which you shall give before me touching the matter now in question shall be the truth, the whole truth, and nothing but the truth : *So help you God.*

Section 18.

FORM No. 3.

Affirmation on Inquiry.

I, do solemnly affirm that the taking of any oath is according to my religious belief unlawful, and I do solemnly affirm that the evidence which I shall give touching the matter now in question shall be the truth, the whole truth, and nothing but the truth.

Section 30.

FORM No. 4.

List of Indenture Fees payable by *on the following Immigrants.*

Estate.	Reg. No.	Name of Immigrant.	Sex.	Ship.	Date when due.	Fees.
						£

Section 32.

FORM NO. 5.

Application for Immigrants for the Season 18 —18 .

SIR.

We beg to make application for Indian Immigrants, to arrive during the ensuing season, to be located on the undermentioned estates, situated in the following wards :—

Estate.	Ward.	Number of Immigrants (including Females).

As of above estates, we hereby bind ourselves to observe all Laws, Rules and Regulations regarding Indentured Immigrants that at present exist as well as such others as the Governor may from time to time establish.

We are, &c.,

The Hon'ble
THE PROTECTOR OF IMMIGRANTS.

Section 32.

FORM NO. 6.

Register of Applications for Immigrants for the Season 18 —18 .

Number of Application.	Date of Application.	Name of Applicant.	Description of Applicant, whether Proprietor, Attorney, or Lessee.	Name of Plantation to which Immigrants are to be allotted.	Consents or Objections, as of Lessor, Mortgagor, etc.	Number and Description of Immigrants applied for.				Total.	Remarks.
						Calcutta Indians.	Madras Indians.	Chinese.	Others.		

Section 52.

FORM No. 7.

(Same as Form No. 10.)

Section 52.

FORM No. 8.

Certificate of Verification.

Immigration Office,
18 .

Name of Vessel
Date of Arrival
Name of Immigrant
Sex
Age
Name of Employer
Name of Estate
Term of Engagement—Five years
Registered Number

Protector of Immigrants.

Section 54.

FORM No. 9.

Port-of-Spain, Trinidad.

We, A. B. (designation), and C. D., Master (or Owner or Agent) of the (Name of Vessel) of (Port of Registry), certify that an arrangement was on the day of entered into between (mention by whom arrangement made) for the introduction in this Colony in the said vessel of (mention number) male and (mention number) female Immigrants on account of the said A. B.

A. B.
C. D.

The above certificate deposited in my office this day.

E. F.,
Protector of Immigrants.

Date

Section 62.

FORM No. 10.

General Register of Immigrants introduced into the Colony by the Ship from on the day of 18 .

No.	Name.	Father's Name.	Sex.	Age.	Height.		Caste.	Bodily Marks.	Name of Native Place.	Date of Indenture.	Plantation to which allotted.
					Ft.	In.					

Amount of Fee charged on partially Non-effective Immigrant.	No. in Marriage Register.	Indenture Fee Refunded.			Plantation to which transferred.	Commuted.	Certificate of Exemption.		Sent to Eleemosynary Institution.	No. in Obituary Register.		No. and Name of Ship in which returned to India.	Year of Departure.	Remarks.
		Cause.	Amount.				No.	Year.		No.	Year.			
			$	cts.										

FORM No. 11.

Section 62.

Indenture List of *Immigrants ex Ship* *18* , *allotted to Plantation*

Register No.	Name.	Father's Name.	Sex.	Age.	Height.	Bodily Marks.	Date of Indenture.	Amount of Fee.	No. of Wife, Husband, or Parents.	Remarks.

This indenture witnesseth that from this date the Immigrants scheduled above have been duly indentured by the Protector of Immigrants to to serve as labourers and reside on Plantation for Five Years, subject to all respects to the Immigration Ordinance, 1899.

Dated this day of 18 .

Witness : (Signed)

Protector of Immigrants.

Proprietor [or as the case may be].

Section 66.

FORM No. 12.

TRINIDAD.

Immigration Office,

189 .

I certify that the Indian Immigrant No. who arrived in this Colony on the day of 189 in the Ship has paid into the Colonial Treasury the sum of Pounds Shillings and Pence Sterling, in consideration whereof I hereby order the said to be discharged from all liability to service under Indenture.

HEIGHT.		BODILY MARKS.
Feet.	Inches.	

Protector of Immigrants.

Section 68.

FORM No. 13.

Return of Mortality for five years 189 to 189 .

Names of Estates.	Districts.	Year ending 30th June, 189 .			Year ending 30th June, 189 .			Year ending 30th June, 189 .			Year ending 30th June, 189 .			Year ending 30th June, 189 .			Mean Death-rate.
		Indentured.	Died.	Percentage.	Indentured.	Died.	Percentage.	Indentured.	Died.	Percentage.	Indentured.	Died.	Percentage.	Indentured.	Died.	Percentage.	

Section 80.

FORM No. 14.

Ship's Name

TRINIDAD.

No.

This Indenture made the day of 189 between the Honourable the Protector of Immigrants of this Colony on behalf of Indian Immigrant, No. , who has completed an Industrial Residence of Five Years within this Colony, of the one part, and of in this Colony, employer, of the other part: Witnesseth that in virtue of the provisions of "The Immigration Ordinance, 1899," and in consideration of the agreement on the part of the said employer hereinafter contained: He the said Protector of Immigrants doth hereby bind and indent the said Immigrant to the said employer for the term of One Year to be computed from the date hereof; and doth hereby agree with the said employer, his heirs and assigns, that the said Immigrant shall during the said term truly and faithfully serve the said employer, his heirs and assigns, as a labourer on plantation , according to the Laws and Regulations made or hereafter to be made, concerning Immigrant labourers in this Colony. And the said employer doth hereby agree with the said Protector of Immigrants that the said employer, his heirs and assigns, shall, during the said term, provide the said Immigrant with suitable and sufficient Lodging, Medicine, and Medical Attendance and Allowances in conformity with the Laws and Regulations made, or hereafter to be made concerning Immigrant labourers in this Colony, and also will pay wages Monthly to the said Immigrant at the same rate which may be at the time paid to the labourers not under a written engagement residing on the said plantation.

In Witness whereof we have } hereunto set our hands }

Protector of Immigrants.

Received from the sum of Pounds Shillings and Pence Sterling as Bounty Money for One Year's Indenture from date.

Witness:

HIS

MARK

It having been made to appear to me that the Indentured Immigrant No. has been absent without lawful excuse from the service of the estate of days during the term of the present indenture.

I hereby make order that the said shall work for days additional before this indenture shall be deemed to be completed.

Protector of Immigrants.

FORM NO. 15. Section 84.

Register of Dwellings of Indentured Immigrants on Plantation.

Letter of Range.	No. of Apartment in Range.	Name of Immigrant.	Sex.	No., Ship, and Year of Arrival.	Remarks.

FORM NO. 16. Section 88.

Scale of Rations.

1½ Pound Rice.
4 Ounces Dāl or Pease.*
1 do. Ghi or Coconut Oil.
2 do. Salt.

FORM NO. 17. Section 92.

TRINIDAD.

I, Protector of Immigrants, do hereby certify, that on the requisition of of the Plantation in the Ward of I have inspected a building on the said plantation intended to be used as a hospital, and that the said Building is well ventilated, and otherwise fit to be used as a hospital, and that the dimensions of the said Building are as follows :—

Length	Feet
Breadth	Feet
Height from Floor to Plate	Feet
Height from Plate to Ridge	Feet

And that the internal contents of the said building are cubic feet, and that the said building is capable of accommodating patients.

Given under my hand this day of 189 .

FORM NO. 18.

18 *Case and Hospital Register of the* *Estate.*

Date of Visit.	Date of Admission.	Name.	Sex.	Age.	No. Ship, and date of arrival.	Disease.	Diet.	Treatment.	Date of		Remarks.
									Discharge.	Death.	

* Or any such equivalent quantity of vegetable food as the Protector may from time to time allow.

FORM No. 19.

The *Estate Labour and Pay List for Two Weeks ending the* *18* .

Ship.	Name of Immigrant.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Amount this week.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Amount this week.	Amount last week.	Totals.	Dr.	Cr.	To whom paid.
		Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.		Occupation.	Amount.	Occupation.	Amount	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.						

FORM No. 20. Section 125.

Complaint for an Offence by a Watchman.

TRINIDAD.

The complaint of the Manager of plantation in the district, in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 being then under indenture on the said plantation, and having bound himself by a certain agreement to serve as a watchman on the said plantation, and being then bound so to serve for a period then unexpired, on the day of 18 and whilst he was so bound as aforesaid, at the said plantation, did unlawfully neglect his duty as such watchman by [*here state how*] [*or* to serve as a watchman on the said plantation] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

FORM No. 21. Section 126.

Complaint for being Drunk, etc.

TRINIDAD.

The complaint of the Manager of plantation in the district, in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 being then under indenture on the said plantation, on the day of 18 at was drunk in [*or* about] the buildings, while employed on certain work, namely [*here describe the work*].

[*or* was drunk during the time when he was required to be at work [*or* was guilty of fraud] [*or* wilful deception] in the performance of his work by (*here describe the fraud or deception practised.*)]

[*or* did use to his employer [*or* a person by his employer then placed in authority on the said plantation as Overseer *or* as Foreman] abusive [*or* insulting] words [or gestures] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

FORM No. 22. Section 127.

TRINIDAD.

Complaint for using Threatening Words, etc.

The complaint of the Manager of plantation in the district in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 being then under indenture on the said plantation, on the day of 18 at did use to his employer, [*or* a person by his employer then placed in authority on the said plantation as Overseer *or* as Foreman] threatening words [*or* gestures].

[*or* did by negligence (*or* carelessness *or* improper conduct) endanger (*or* damage, *or* cause to be endangered, or damaged, or suffer to be endangered or damaged) certain property of his employer, the proprietor of the said plantation, namely (*here describe the property*)]. [*or* did sell certain property of his employer, the proprietor of the said plantation [(*here describe the property*)] [*or* did hinder (*or* molest) one an Immigrant, in the performance of his work] [*or* did persuade (*or* attempt to persuade) one an Immigrant, unlawfully to refuse (*or* absent himself from *or* desist from) work] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

Section 128.

FORM NO. 23.

Register of cases before the Magistrate.

No. herein.	Date of Complaint.	Complainant.	Defendant.	No., Ship, and Year of Arrival.	Charge.	How disposed of.	Date of disposal.	Punishment.	Remarks.

FORM No. 24.—Section 130.

Return of Indentured and Unindentured Immigrants on the *Estate, in the Ward of* *for the Quarter ending* *189.*

COUNTY.	NAME.	No. Registered.	Ship's Name.	Date of Indenture	Not Indentured.	Bounty.	Age.	Sex.	Children.		Births.		Deaths of Children.		Adults Deaths.		Cause of Death.	Days Worked.	Days Absent.	Remarks.
									Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.				

N.B.—You are requested by the Protector of Immigrants to specify the Sex, Ship's name and number of both indentured and unindentured Immigrants with their children, if any, and to note the Sex of any children born during the quarter. A correct return of Births being children of INDENTURED parents is of absolute necessity.

Section 130.

FORM No. 25.

Quarterly Return of Indentured Immigrants on the *Estate for the Quarter ending*

	1st Month.		2nd Month.		3rd Month.		Remarks.
	M.	F.	M.	F.	M.	F.	
Absconded							
In Colonial Hospital							
In Estate do.							
Out-patients do.							
In Lunatic Asylum							
In Leper do.							
In Gaol							
Blind							
Crippled							
Physically unfit for work							
Too high caste to work							
Shirking work							
Pregnant							
Nursing							
Total not at work							
„ at work							
Total indentured							
* Percentage working							
* Percentage not working							

* To be filled up in the Immigration Office.

FORM No. 26. Section 137.

Complaint for being absent without leave.

TRINIDAD.

The complaint of the Manager of Plantation in the district in the County of taken on oath before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 being then under indenture on the said plantation, did unlawfully absent himself from the said plantation without leave during the time in which he was required to be at work, namely [*here state the time and describe the work*]. [*or* being then under indenture on the said Plantation, on the day of 18 [*or* and on *days then next following, *if the absence continues*] did unlawfully absent himself from the said plantation without leave, and did thereby commit a breach of his obligation of residence on the said plantation] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

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* *N.B.—This number cannot be more than two, for if the Immigrant has been so absent for more than two days in addition to the day specified, he becomes a deserter.*

FORM No. 27. Section 139.

Certificate that Absence was for reasonable cause or the contrary.

This is to certify that the Immigrant male, No. ex 18 came to me on the day of 18 to complain of [*here state the matter of complaint*] and that I am of opinion he had reasonable grounds for so doing [*or* that the complaint was ill-founded *or* frivolous].

Dated this day of 18 .

(Signed.)

Protector of Immigrants
or Stipendiary Magistrate.

FORM No. 28. Section 140.

Complaint against a Deserter.

TRINIDAD.

No. plantation.

The complaint of the Manager of plantation in the district in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 in height, bodily marks being then under indenture on the said plantation, did, on the day of 18 without leave absent himself from the said plantation, and did continue so to absent himself from the said plantation for the period of three days then next following, by means whereof he the said then became and now is a deserter from the said plantation, contrary to the form of the Ordinance in such case made and provided ; and thereupon the said makes application that the said may be apprehended and dealt with according to law.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

N.B.—These complaints are to be numbered consecutively on each plantation in each year from the 1st January to the 31st December.

FORM NO. 29.

Section 140.

Warrant for apprehension of a Deserter.

TRINIDAD.

To all Constables of the Colony.

No. 18

Whereas a complaint in writing has this day been made before me the undersigned Esquire, Stipendiary Magistrate for this Colony, at within the district in the County of by Manager of plantation in the said district [*on oath*] for that the Immigrant male, years on arrival, No. ex 18 in height, bodily marks, being then under indenture on the said plantation, did, without leave, on the day of 18 absent himself from the said plantation and did continue so to absent himself from the said plantation for the period of three days then next following, by means whereof he then became and now is a deserter from the said plantation contrary to the form of the Ordinance in such cases made and provided: These are therefore to command you, or either or any of you, forthwith to apprehend the said and bring him before me, or the then acting Stipendiary Magistrate for the said district, to be further dealt with according to law.

Dated this day of 18 at

(Signed.)

Stipendiary Magistrate.

N.B.—Warrants for deserters are to be numbered consecutively in each district in each year from the 1st January to the 31st December.

FORM NO 30.

Section 140.

Estate,

18

Particulars of Indentured Immigrant absconded.

Name.	Regd. No.	Sex.	Ship.	Date Ind'trd.	Age.	Height.	Caste.	Complexion.	Date of absconding.	General Remarks.

Manager.

To the Protector of Immigrants,
Port-of-Spain

FORM No. 31. Section 144.

Register of Absences on Leave.

No. .....

Name .....

Sex .....

No., Ship, and Year of Arrival .....

Number of days' leave .....

No. plantation. 18 .

The Immigrant male, No. ex 18 indentured to plantation has this day been granted leave of absence for day

(Signed.)

Manager.

FORM No. 32. Section 144,

Register of Desertions.

No.	Name of Deserter.	Sex.	Country.	No. of Ship and Year of Arrival.	Date when last seen on the Plantation.	Where supposed to be.	Remarks.

FORM No. 33. Section 150.

Certificate of Return of Indentured Immigrant to Plantation.

This is to certify that the Indentured Immigrant male, No. ex 18 was this day brought to this plantation by police constable No. at o'clock, m.

Dated this day of 18 .

(Signed.)

Manager of Plantation.

Section 152.

FORM No. 34.

Complaint against an Habitual Idler.

TRINIDAD.

The complaint of the Manager of plantation in the district, in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male years on arrival, No. ex 18 being then under indenture on the said plantation, was absent from work on the said plantation without lawful excuse on days in the month of of 18 [*or* in the two consecutive months of and 18 [namely, on the by means whereof the said has become an Habitual Idler, contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

Section 154.

FORM No. 35.

Register of Defaulters.

Desertion.					Imprisonment.					Unlawful absence.				
Name and Description of Immigrant.	Year.	From.	To.	Number of Days.	Name and Description of Immigrant.	Year.	From.	To.	Number of Days.	Name and Description of Immigrant.	Year.	From.	To.	Number of days.

FORM No. 36.—Sections 159 and 166.

THE IMMIGRATION ORDINANCE, 1899.

MARRIAGES REGISTERED UNDER THE ORDINANCE.

Entry of Marriage.

Consecutive Number.	Name and Address of the Bridegroom.	Name and Address of the Bride.	Whether the Bride is a Spinster, Widow or Divorced, and whether she is adult or not.	*Name and Address of the Guardian of the Bridegroom and his relationship to the Bridegroom (if any).	†Name and Address of the Guardian of the Bride and his relationship to the Bride (if any).	Date of the Marriage.	Special conditions (if any).	House, Estate or other place and Ward in which the marriage took place.	Date of Registration.

* This Column will be blank if the Bridegroom is not represented by a Guardian.
† This Column will be blank if the Bride is not represented by a Guardian.

FORM No. 37.—Sections 159 and 167.

THE IMMIGRATION ORDINANCE, 1899.

DIVORCES REGISTERED UNDER THE ORDINANCE.

Entry of Divorce.

Consecutive Number.	Name and Address of husband.	Name and Address of wife.	Date of Divorce.	Description of Divorce.	Manner in which the Divorce was effected.	House, Estate, or other place and Ward in which the Divorce took place.	Names and Addresses of Witnesses to the Divorce (if any).	Names and Addresses of the Witnesses identifying the party or parties by whom the Divorce was effected.	Date of Registration.

Section 167

FORM No. 38.

THE IMMIGRATION ORDINANCE, 1899.

[*Declaration of Witnesses to a Divorce.*]

We, *A.B.*, of &c., and *C.D.*, of &c., severally declare as follows :—

1. Each of us is of the same religion and subject to the same personal law as *E.F.*, of &c., and *G.H.*, of &c., both of whom are now present, that is to say [of the Shiah sect of Mahomedans and subject to the personal law imposed by the religion of such sect].

2. We were present on the day of at when a divorce between the said *E.F.* and *G.H.* was effected in the following manner (that is to say) [*describe manner of effecting divorce*] and we severally say that such divorce was well and truly effected according to the religion and personal law [of the Shiah sect of Mahomedans].

3. We are aware that if the statements made by us respectively are false and if in making such statements we either know or believe them to be false or do not believe them to be true we are liable to imprisonment.

A.B.
C.D.

Before me,
E.H.F.,
Registrar of the District of

Section 169.

FORM No. 39.

THE IMMIGRATION ORDINANCE, 1899.

[*Declaration of Marriage by two Immigrants on arrival.*]

We, *A.B.* and *C.D.*, declare that :—

1. We profess the [*Hindu*] religion and were before our embarkation duly married in manner sanctioned by that religion at [Agra in British India] [*or*, and were during our voyage to this Colony duly married in manner sanctioned by that religion].

2. We are aware that if any statement made by us respectively in this declaration is false, and if in making such statement we either know or believe it to be false, or do not believe it to be true we are liable to imprisonment.

A.B.
C.D.

Before me,
H.M.
Protector of Immigrants.

Section 209.

FORM No. 40.

Certificate of Exemption from Labour.

TRINIDAD.

I hereby certify that the undermentioned Immigrant has completed term of service under indenture on plantation.

Name of Immigrant	
Father's Name	
Sex	
Age on Arrival	
Height	
No., Ship, and Year of Arrival	
Date of Indenture	
Bodily Marks	
Number of Certificate	
Date of Issue	

Dated this day of 18 .

(Signed.)

Protector of Immigrants.

FORM NO. 41. Section 210.

Provisional Certificate.

TRINIDAD.

Estate,

18

I certify that the Immigrant No. who was indentured to this estate on the day of 18 ex the Ship has completed term of service.

Employer or Manager.

FORM NO. 42. Section 212.

Passport.

TRINIDAD.

Immigration Office,

No. *Port-of-Spain,* *18*

PERMISSION is hereby granted to the undermentioned Immigrant to leave this Colony within fourteen days from the date hereof.

Name	
Father's Name	
Sex	
Age on Arrival	
Height	
No., Ship, and Year of Arrival ...	
Bodily Marks	
Plantation to which last indentured ...	

(Signed.)

Protector of Immigrants.

FORM NO. 43. Section 212.

Register of Passports.

No.	Date of Passport.	Name of Immigrant.	Sex.	Age on Arrival.	No., Ship, and Year of Arrival.	Plantation to which last indentured.	Date of Notice of intention to leave the Colony.	Ship in which sailed.	Date of Departure.	Destination.	Remarks.

Section 215.

FORM NO. 44.

Complaint against Owner, etc., of Ship for receiving Immigrant who had no Passport.

TRINIDAD.

The complaint of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the district in the County of who saith that being then the owner [*or* master *or* person in charge] of a certain ship called the then lying at in the County aforesaid, did, on the day of 18 receive [*or* harbour] on board the said ship [*or here state where*] Immigrant, who [*or* each of whom] had not then obtained a passport [*or* whose passport had expired] with intent in so doing to carry such Immigrant out of the said Colony, contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

Section 226.

FORM NO. 45.

Register of Births on Plantation.

Name.	Sex.	Date of Birth.	Description of Father.			Description of Mother.		
			Name.	Country.	No., Ship, and Year of Arrival.	Name.	Country.	No., Ship, and Year of Arrival.

FORM No. 46. Section 226.

Register of Deaths on Plantation.

Name of Deceased.	Sex.	Age at time of Death.	Country.	No., Ship, and Year of Arrival.	Date of Death.	Cause of Death.	Remarks.

FORM No. 47. Section 242.

Recognizance in case of Appeal.

TRINIDAD.

Be it remembered that on the day of in the year of our Lord one thousand hundred and the Immigrant male, No. ex 18 came before the undersigned one of Majesty's Stipendiary Magistrates for in the said Colony, and acknowledged himself to owe to our Sovereign Lady the Queen the sum of Twenty Pounds, to be made and levied of his movable and immovable property, to the use of our said Lady the Queen, her heirs and successors, if he, the said fail in the condition indorsed,

Taken and acknowledged the day and year first above mentioned.

(Signed.)

Stipendiary Magistrate.

Condition.

The condition of the within written recognizance is such that whereas the said was convicted before for that he and was hereupon sentenced by the said to be and whereas the Protector having, on behalf of the said made application for an appeal from the said conviction, the said is entitled to be released pending the determination of such application, if therefore the said conviction shall be confirmed and the said shall surrender himself into the custody of the keeper of the Gaol at in the County of and thereafter suffer the said imprisonment for his said offence, then this recognizance to be void or else to stand in full force.

Section 245.

FORM NO. 48.

Certificate of Conviction of Indentured Immigrant by the Magistrate.

TRINIDAD.

This is to certify that the Immigrant male, No. ex 18 under indenture on plantation in the district in the County of was on the day of 18 convicted of and was thereupon sentenced to

[*If to pay a fine add*, which said fine was thereupon paid, *or*, was not paid and the said Immigrant was thereupon committed in default, *as the case may be.*]

[*If the Immigrant was detained in custody before conviction, add*, And that the said was detained in custody for day before his conviction while awaiting his trial.]

If the offence is desertion add also, This is to certify further that the said so convicted of desertion as aforesaid, was proved to have first quitted the said plantation on the day of 18 and that the charge for such desertion was preferred against the said Immigrant on the day of 18 .

Dated this day of 18 .

(Signed.)

Stipendiary Magistrate.

N.B.—Where the Immigrant at once pays the fine imposed, there is no necessity for his certificate, unless he has been detained in custody awaiting his trial or is a deserter.

Section 246.

FORM NO. 49.

Certificate of Reference of Indentured Immigrant for Trial.

TRINIDAD.

This is to certify that the Immigrant male, No. ex 18 under indenture on plantation in the County of accused of was on the day of 18 referred for trial at the Session of the Supreme Court to be held on the day of 18 and that the said Immigrant has been in custody in respect of the said charge for days [*or* and that he was admitted to bail on the day of 18 *as the case may be*].

Dated this day of 18 .

(Signed.)

Stipendiary Magistrate.

Section 247.

FORM NO. 50.

Certificate of Conviction of Indentured Immigrant by the Supreme Court.

TRINIDAD.

This is to certify that male, the person mentioned and described in the certificate of Esquire, Stipendiary Justice of the Peace, dated the day of 18 as the Immigrant male, No. ex 18 under indenture on plantation in the County of was on the day of 18 convicted by the Supreme Court, and sentenced to be imprisoned with (or without) hard labour for [*and if admitted to bail for any cause, add,*] and that the said was on bail from the day of 18 to the day of 18 .

Dated this day of 18 .

(Signed.)

Registrar [or Clerk of Court.]

FORM NO. 51.

Register of Property of Deceased Immigrants.

Section 248

No.	L. R. No.	Description of Deceased.						Description of	
		Name.	Sex.	Age.	No., Ship, and Year of Arrival.	Date of Death.	Place of Death.	Name.	No., Ship, and Year of Arrival.

Heirs.		Nature of Property and Value.	How realised.	How disposed of.
Relationship.	Residence.			

Section 253.

FORM NO. 52.

Certificate of Training School.

I, Governor of the Island of Trinidad, in pursuance of the provisions of the Immigration Ordinance, 1899, do hereby certify that the school known as and situate at for the education and industrial training of the children of Indian Immigrants, is efficient for its purposes.

Dated this day of 18 .

Section 256.

FORM NO. 53.

Complaint of enticing or harbouring Child from Training School.

TRINIDAD. COUNTY OF

A. B. informs the undersigned Stipendiary Justice of the Peace that C. D. of did on the day of [knowingly entice to abscond from the Training School one] [*or* knowingly harbour one who had absconded from the Training School, contrary to the provisions of the Immigration Ordinance, 1899.

(Signed.)

A.B.

Before me,

X. Y.,

S.J.P.

Section 257.

FORM NO. 54.

Warrant to Search for Absconding Child.

TRINIDAD. COUNTY OF

To A. B., Police Constable.

Whereas it has been made to appear to me that one being a child liable to be retained at the Training School is detained or harboured by one of

Now I, Stipendiary Justice of the Peace, do hereby direct you and all other persons acting in your aid to enter into the premises situate at (where such child is suspected to be) and deliver such child to the Manager of the Training School, and for so doing this shall be your warrant.

Given under my hand at this day of 18

(Signed.)

X. Y.,

S.J.P.

Section 259.

FORM NO. 55.

Indenture of Apprenticeship.

TRINIDAD,

KNOW ALL MEN by these presents, that I, , Governor of this Island of Trinidad, by virtue of the power in me vested by "The Immigration Ordinance, 1899," do by these presents, apprentice a child of Indian Immigrants who has been trained at the Indian Tacarigua School called "The Tacarigua Orphan Home" unto as a for the term of years from this day, determinable on the day of when the said will attain the age of eighteen years, or upon her marriage under that age. The said is to provide the said

with good and sufficient Lodging, Food and Clothing and Medical care and attendance when ill, and with Religious Instruction in the Faith in which the said has been brought up.

Dated at this day of in the year A.D., 18 .

(Signed.)

A.B.,

Governor.

FORM NO. 56. Section 262.

Register of Orphans.

No.	Name.	Sex.	Age.	No., Ship, and Year of Arrival.	Father.	
					Name.	No., Ship, and Year of Arrival.

Mother.		Guardian.		Date of Adoption.	Remarks.
Name.	No., Ship, and Year of Arrival.	Name.	Residence.		

Section 262.

FORM NO. 57.

Register of Children in Training Schools and Apprenticed.

No.	Name.	Sex.	Age.	No., Ship, and Year of Arrival.	Father.		Mother.		Training School or name of person to whom apprenticed.	Date of Order or of Indenture.	Remarks.
					Name.	No., Ship, and Year of Arrival.	Name.	No., Ship, and Year of Arrival.			

Section 276.

THE SECOND SCHEDULE.

TABLE OF ENACTMENTS REPEALED.

No. and year of Ordinance.	Title or Short Title of Ordinance.	Extent of Repeal.
12—1897	"The Immigration Ordinance, 1896"	The whole.
14—1897	An Ordinance to amend "The Immigration Ordinance, 1896."	Do.
24—1897	"The Immigration (Amendment) Ordinance, 1897"...	Do.
16—1898	"The Immigrants Return Passage Ordinance, 1898"	Do.

II.

TRINIDAD AND TOBAGO.

Immigration.

No. 33.—1902.

15*th December.*

AN ORDINANCE to amend "The Immigration Ordinance, 1899."

[L.S.]

C. C. KNOLLYS,
Acting Governor.
31*st December*, 1902.

Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short title.

1. This Ordinance may be cited as the Immigration Ordinance 1902 It shall be read as one with the Immigration Ordinance, 1899 hereinafter called the principal Ordinance, and the Repatriation Fund Ordinance 1902 (2—1902). The said Ordinances and this Ordinance may together be cited as the Immigration Ordinances 1899 and 1902.

Indenture fees.

2. In Section 28 of the principal Ordinance the following words shall be read after the word "immigrant" in the fourth line of such section: "not being a minor, "and two pounds ten shillings on the indenture of such immigrant being a minor."

Repeal.

3. Section 30 of the principal Ordinance is hereby repealed and in lieu thereof shall be read the following:—

> 30. All fees on indenture payable to His Majesty under this Ordinance shall be a first charge on the plantation named in the indenture of the immigrant in respect of whom such monies shall be payable, and shall be paid by the person in possession of such plantation to the Receiver-General on the last day of the month in which such fee shall be payable; and every employer or his agent shall make out and deliver to such Receiver-General a return in duplicate showing the name of the plantation and the number of immigrants in respect whereof any such fees of indenture shall be payable, and shall pay the amount of all such fees; and the Receiver-General shall at the foot of each such return certify the payment of such fees, and shall deliver one such return so certified to the person paying such fees and shall deliver the other such return to the Protector to be kept by such Protector.

Depôt.

4. The following shall be read as Section 64A of the principal Ordinance:—

> The Protector of Immigrants may from time to time with the sanction of the Governor retain unallotted such of the immigrants as appear to him to be required for service connected with the supervision and control of and attendance upon immigrants arriving by any immigrant ship, for such time as he may deem necessary, not in any case exceeding six months except with their own consent. On the expiration of such time, the immigrants so retained shall be allotted, and in each such case an apportioned part of the indenture fee shall be deducted from the first year's payment to be made by the employer in respect of the allotment of such immigrants.

Term of indenture.

5. Section 74 of the principal Ordinance shall be amended by the insertion of the words "the arrival of the ship in which he came to the Colony" in place of the word "allotment" in the seventh line thereof.

Rations.

6. In Section 88 of the principal Ordinance the word "such" at the end of the fifth line shall be omitted, and in lieu of the words "as are" in line six shall be read the words "at the rate per day."

Hospitals.

7. Section 94 of the principal Ordinance is amended by the insertion of the words "Protector or" before the words "Government Medical Officer" in the fourth and sixth lines of such section.

Idem.

8. In Section 96 Sub-section (2) of the principal Ordinance after the word "immigrant" at the end of such Sub-section shall be read the words "and entries in "such books shall be taken as evidence of the facts therein mentioned."

Visits of District Medical Officer.

9. Section 99 of the principal Ordinance is amended by adding the following words at the end thereof:

"Provided that it shall be lawful for the Governor by order in writing in the "case of any plantation to be mentioned in such order, to direct the "visits to be made to such plantation at such less frequent intervals "than three days, as in such order shall be prescribed."

Assaults.

10. The words "or any other person" shall be inserted in Section 118 of the principal Ordinance after the word "plantation" where it first occurs; and in respect of any such assault or ill usage as in the said section mentioned the Protector shall be deemed to be a party aggrieved within the meaning of Section 1 of Ordinance No. 22 of 1887.

Absence from work, &c. (Schedule.)

11. The following shall be read as Section 125A of the principal Ordinance:—

(1.)—Every indentured immigrant who—

(*a.*) Without lawful excuse absents himself from work, or

(*b.*) Having been directed by some duly authorized person to attend at a specified time and place for the performance of any particular work, refuses or neglects so to attend, or

(*c.*) Refuses or neglects to begin or to finish any particular work which he has been directed by some duly authorized person to perform,

shall on complaint in the form in the Schedule hereto be liable to a penalty not exceeding Two Pounds or to imprisonment for any term not exceeding one month.

(2.) It shall be sufficient for the purposes of this section if any direction herein referred to is given on the afternoon or evening of the day before or on the same day on which the work is required to be performed.

Employer to make certain Returns.

12. The following shall be read as Section 130 of the principal Ordinance:—

Every employer of indentured immigrants shall within the first five days of the months of January, April, July and October in every year make and deliver to the Protector a return in the prescribed form of all immigrants whether indentured or not in his employ or residing on his plantation during the whole or any part of the preceding three months, and of the children of such immigrants and of all deaths and the number of births of children of such immigrants. And the Protector shall keep all such returns, and shall in the month of April of every year make an abstract of all such returns for the preceding year, which abstract shall be laid before the Legislative Council.

Transfer of immigrant.

13. Section 199 of the principal Ordinance shall be amended by the addition of the following words: "and it shall be lawful for the Protector, pending the deter- "mination of the Governor, temporarily to transfer any immigrant to any other such "employer, provided that in each case he forthwith reports to the Governor any such "transfer, and his reasons for the same; and any immigrant so transferred shall remain "in the service of the employer to whom he has been transferred pending the decision "of the Governor, and pending such decision he shall be deemed to be in all respects "subject to the provisions hereof as if he had been indentured to such employer."

Exemption from labour.

14. Section 209 of the principal Ordinance is amended by omitting from Sub-section (1) thereof all the words following the word "labour" in the eighth line of such Sub-section.

Passports.

15. Section 216 of the principal Ordinance is amended to read as if the words "or attempted departure" had followed the word "departure" in the second and fifth lines of such section.

Registers.

16. Section 226 of the principal Ordinance is amended by adding to Sub-section (2) the words "and any entry in such books shall be evidence of the facts therein

"recorded"; and Sub-section (3) Clause (*b*) of the said section shall be read as follows:—

(*b*.) An indenture list of immigrants allotted to the estate together with a register of dwellings.

17. The following shall be read as Section 227A of the principal Ordinance:— **Muster Roll.**

Every Manager shall keep a muster roll of all immigrants who have been allotted to the plantation within the then next preceding twelve months, and such muster roll shall on some stated day in every month be called over in the presence of the District Medical Officer, when every immigrant whose name is therein inscribed shall be produced by the Manager and his state of health and sanitary condition ascertained and reported on by the District Medical Officer.

18. In the first schedule to the principal Ordinance Forms Nos. 15 and 25 shall be omitted and in lieu of Forms Nos. 4, 5 and 11 shall be read the following:— **Schedule.**

FORM No. 4.

(*Section 3.*)

Return of Indenture Fees payable by

Estate.	No. of Immigrants.	Ex Ship.	Date when due.	Amount of Fees.

FORM No. 5.

TRINIDAD.

Application for Immigrants for the Season 190 .

SIR,

WE beg to make application for Indian Immigrants, to arrive during the ensuing season, to be located on the undermentioned Estates, situated in the following Wards:—

Estate.	Ward.	Number of Immigrants (including females).

As of above estates, we hereby bind ourselves to accept and receive all or any of such immigrants as may be allotted to us and to pay all charges and expenses due in respect of the introduction of the same and to observe all Laws, Rules and Regulations regarding Indentured Immigrants that at present exist as well as such others as the Governor may from time to time establish.

We are, &c.,

The Honorable
The Protector of Immigrants.

FORM No. 11.

Indenture List of Immigrants ex Ship , 190 , allotted to Plantation

Register No.	Name.	Caste.	Sex.	Age.	Height.	Bodily Marks.	Date of Indenture.	Amount of Fee.	No. of Wife, Husband or Parents.	Remarks.

This indenture witnesseth that from this date the Immigrants scheduled above have been duly indentured by the Protector of Immigrants to to serve as labourers and reside on Plantation for Five Years, subject in all respects to the Immigration Ordinance, 1899, or any Ordinance amending or replacing the same.

Dated this day of , 19 .

Witness : (Signed.)

Protector of Immigrants.
Proprietor [or as the case may be].

Passed in Council this Fifteenth day of December, in the year of our Lord one thousand nine hundred and two.

C. J. ROOKS,
Clerk of the Council.

Section 11.

THE SCHEDULE.

COMPLAINT FOR ABSENCE FROM WORK, &c.

TRINIDAD.

DISTRICT.

The Complaint of the Manager of Plantation , in the Ward of , in the County of , taken (upon oath) before me, the undersigned Stipendiary Magistrate for the District, who saith that the Immigrant male, years on arrival, No. , *ex* , 19 , being then under indenture on the said plantation, on the day of , 19 , at the said Plantation, did without lawful excuse, absent himself from work, namely, (*here describe the work*) (or after having been directed by being a duly authorized person, namely, (*here state the capacity of the person*) on the said Plantation, to attend at (*here state the time*) at (*here state the place*) for the performance of certain work, namely (*here describe the particular work, as for instance, weeding one opening in Field No. 6 on the said Plantation*) refuse (or neglect) to so attend (or refuse to begin or refuse to finish, or neglect to begin, or neglect to finish (as the circumstances of the case may require) certain work, namely, (*here describe the particular work*) which said work the said had been directed by being a duly authorized person, namely, (*here state the capacity of the person*) on the said Plantation to perform contrary to the form of the Ordinance in such case made and provided.

(Signed.)
Manager of Plantation.

Taken (and sworn) before me this day of 19 , at .

(Signed.)
Stipendiary Magistrate.

III.

BRITISH GUIANA.

THE IMMIGRATION ORDINANCE, 1891.

ORDINANCE No. 18 OF 1891.

AN ORDINANCE to consolidate and amend the Laws relating to Asiatic Immigrants. A.D. 1891.

[1st November, 1894.]

Ordinance No. 16 of 1894 incorporated.

Be it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

Preliminary.

1. This Ordinance may be cited as the Immigration Ordinance, 1891. Short title.

2. In this Ordinance, unless the context otherwise requires,— Interpretation of terms.

"The Immigration Agent General" includes any Immigration Agent acting under the authority of the Immigration Agent General:

"Ship" includes a sea-going vessel of any description:

"Plantation" means any sugar, cocoa, coffee, cotton, rice, or plantain estate in cultivation, or any two or more estates if adjacent to each other and managed as one estate, or any other piece of land in cultivation under one management of the extent of at least five acres, and includes any cattle or sheep farm or any woodcutting establishment:

"Employer" means the proprietor or lessee of a plantation or the attorney of such proprietor, and includes the manager for the time being in charge of such plantation:

"Manager" means the person for the time being having the personal charge or superintendence of a plantation and includes any overseer acting under his authority:

"Immigrant" means any person introduced into the Colony either wholly or in part at the expense of the Immigration Fund, and includes the children of an indentured immigrant; but this definition shall not affect the special definition of the term contained in Part X:

"Indenture" and "Indentured" mean a contract of service registered under this Ordinance and a person subject to such contract respectively:

"Adult" means an immigrant of or above the age of fifteen years:

"Minor" meas an immigrant under the age of fifteen years and of or above the age of ten years:

"Infant" means an immigrant under the age of ten years:

"Adult," "Minor," and "Infant" respectively include an immigrant of uncertain age who has been estimated by the Immigration Agent General to be an adult, minor, or infant, as the case may be:

"Asia" includes any island adjacent to the Continent of Asia.

3. This Ordinance is divided into Parts as follows:— Arrangement of the Ordinance.

PART I.—The Immigration Department—Sections 6-27.
PART II.—Fiscal Provisions—Sections 28-37.
PART III.—Arrival and Allotment—Sections 38-54.
PART IV.—Indenture—Sections 55-63.
PART V.—Dwellings—Sections 64-70.
PART VI.—Rations—Sections 71-74.
PART VII.—Hospitals—Sections 75-92.
PART VIII.—Labour and Wages—Sections 93-117.
PART IX.—Leave and Desertion—Sections 118-138.

PART X.—Marriage, Divorce, etc.—Sections 139-174.
PART XI.—Transfer and Determination of Indentures—Sections 175-189.
PART XII.—Certificates of Exemption from Labour—Sections 190-193.
PART XIII.—Passports and Return Passages—Sections 194-202.
PART XIV.—Registers, Returns, and Certificates—Sections 203-211.
PART XV.—Procedure—Sections 212-226.
PART XVI.—Miscellaneous Provisions—Sections 227-247.

Forms. Schedule.

4.—(1.) The Forms contained in the Schedule to this Ordinance shall respectively be used for and in respect of the several matters in this Ordinance upon which reference is made to them in the margin by the respective numbers of such Forms.

(2.) The Immigration Agent General may, with the approval of the Governor and Court of Policy, from time to time cause such Forms to be varied or altered, and also additional forms to be framed, as occasion may require, for the purpose of carrying out the provisions of this Ordinance, and such varied, altered, or additional forms shall have the same force and effect as if they were incorporated in the said Schedule: Provided that every such form shall be first published in the Gazette, and that copies thereof shall be sent by the Immigration Agent General to all persons required under penalties by this Ordinance to fill up and use any form for which such form may have been substituted.

Naming of places of emigration.

5. The Governor may, with the advice and consent of the Court of Policy, by Proclamation name the ports or places in Asia from which immigration is permitted to this Colony under this Ordinance.

PART I.

THE IMMIGRATION DEPARTMENT.

The Immigration Agent General.

Appointment and salary of Immigration Agent General.

6.—(1.) Her Majesty may appoint some fit and proper person to be Immigration Agent General.

(2.) The Immigration Agent General shall receive a salary at the rate of not more than one thousand five hundred pounds per annum.

General duties of the Immigration Agent General.

7.—(1.) The Immigration Agent General shall be the Head of the Immigration Department, and shall be responsible to the Governor for the efficient performance of its duties (but not of the duties of the Medical Officers) and for the proper carrying out of the provisions of this or any other Ordinance, whether passed before or after the commencement of this Ordinance, relating to immigration.

(2.) He shall also keep the Registers of the Immigration Department, and shall exercise and perform such other functions and duties in relation to immigration as may be prescribed by this or any other Ordinance, whether passed before or after the commencement of this Ordinance, or as may be entrusted to him by the Governor.

(3.) The Immigration Agent General shall be Secretary to the Governor for immigration matters.

General powers of the Immigration Agent General.

8.—(1.) The Immigration Agent General may at any time enter into and upon any plantation on which immigrants are employed, and inspect the condition and general treatment of the immigrants and the condition of their dwellings, and of the yards and grounds about the same, and of the hospital accommodation, and may inquire into any complaint which the employer may have against any immigrant, or which any immigrant may have against the employer, or which may be reported to him by the Surgeon General or be otherwise brought to his notice, and may require any immigrant to be brought before him on any such visit, and may, either before or after such inquiry, make a complaint or lay an information in his own name, on behalf of any such immigrant, against the employer, or against any other person, before the Magistrate of the District, and may, if necessary, make such complaint or lay such information in any other Court of Justice of the Colony, other than that of the Magistrate of the District, having jurisdiction to hear, try, and determine the offence or other matter charged against such employer or other person.

(2.) The Immigration Agent General shall watch the proceedings on any such complaint or information on behalf of such immigrant, or may, if necessary, carry the same for review by way of appeal before any Superior Court having jurisdiction in the case, and may in such Superior Court retain the services of counsel, and may

in all respects act on behalf of such immigrant as if he himself were the principal in the cause; and he shall report the course of such proceedings from time to time, and the final result thereof, to the Governor.

The Senior Immigration Agent.

Appointment and salary of Senior Immigration Agent.

9.—(1.) The Governor may appoint some fit and proper person to be Senior Immigration Agent.

(2.) The Senior Immigration Agent shall receive such salary and allowances as may for the time being be assigned to him by the Combined Court.

General duties of the Senior Immigration Agent

10.—(1.) The Senior Immigration Agent shall act as assistant generally to the Immigration Agent General in the performance of his duties.

(2.) In the absence of the Immigration Agent General, anything which may by law be done or suffered by the Immigration Agent General may be done or suffered by the Senior Immigration Agent.

(3.) The Senior Immigration Agent shall be stationed at the Immigration Office in Georgetown.

Immigration Agents, etc.

Appointment, duties, and salaries of Immigration Agents, &c.

11.—(1.) The Governor may appoint such and so many fit and proper persons to be Immigration Agents, Clerks, Interpreters, and other officers residing in the Colony respectively as may be necessary for the performance of the ordinary duties of the Immigration Department.

(2.) The Governor may assign to any such officer a District or place within which to act in the performance of his duties, and may at any time remove him from one such District or place to another.

(3.) Every such officer shall receive such salary and allowances as may for the time being be assigned to him by the Combined Court.

Medical Officers.

Power to the Surgeon General to visit plantation, &c.

12. The Surgeon General may at any time visit any plantation on which there are immigrants, and inspect the dwellings of the immigrants, the yards and grounds about the same, and the hospital, and all books and registers kept in connexion with the hospital.

Appointment and salary of Medical Inspector.

13.—(1.) The Governor may appoint some fit and proper person, being a duly qualified medical practitioner, to be Medical Inspector.

(2.) The Medical Inspector shall receive from the Treasury a salary at the rate of not more than one thousand pounds per annum.

General duties of the Medical Inspector.

14.—(1.) The Medical Inspector shall, once at least in every six months, visit every plantation on which there are indentured immigrants.

(2.) On every such visit he shall inspect the hospital, and the dwellings of the immigrants, and the yards and grounds about the same, and shall ascertain whether the provisions of this Ordinance, and of any regulations in that behalf, have been duly complied with.

(3.) Within one month after such visit, he shall make a report in writing, in duplicate, to the Surgeon General of the condition and management of such hospital, and of the condition of the dwellings of the immigrants on such plantation and of the yards and grounds about the same, and of the performance of his duties under this Ordinance in relation to such plantation by the Government Medical Officer of the District.

(4.) Immediately on receiving any such report the Surgeon General shall transmit one of the duplicate copies thereof to the Immigration Agent General.

Duties of Government Medical Officer in immigration matters.

15. Every Government Medical Officer who has a Medical District assigned to him shall act as Medical Officer to all plantations within his District on which there are immigrants, and as medical attendant to all the hospitals certified under this Ordinance within his District.

Requisition for special visit of Government Medical Officer.

16. Whenever it appears to the Immigration Agent General to be necessary to require, under the provisions of this Ordinance, that any special visit should be made to a plantation, or to require the presence and assistance of a Government Medical Officer in conducting any investigation under the provisions of this Ordin-

ance on a plantation, the Immigration Agent General may make a requisition to the Surgeon General for the services of a Government Medical Officer for such purpose, and the Surgeon General shall thereupon cause such services to be rendered.

Work of the Department.

Powers of supervision, &c., of the Immigration Agent General.

17.—(1.) Subject to the control of the Governor, the Immigration Agent General shall have authority over the several Immigration Agents, Clerks, Interpreters, and other persons employed in the Immigration Office, and shall, subject to the provisions of the next succeeding section, assign to each his duties, and may delegate to an Immigration Agent the exercise or performance of any of his functions or duties, but without diminution of his own responsibility, and may also employ such persons as he may deem necessary as interpreters or judges of work under the provisions of this Ordinance, and may award any such person for his services a sum not exceeding five dollars for each day on which he may be so employed.

(2.) All expenses so incurred by the Immigration Agent General, or by any subordinate officer under his directions, shall be paid from the Immigration Fund.

Visiting of plantations by Immigration Agent.

18. It shall be the duty of every Immigration Agent, once in every six months, and oftener if so required by the Immigration Agent General, upon some day of which he shall give previous notice to the manager, to visit every plantation on which there are indentured immigrants; to receive and take cognizance of any complaints of immigrants, and thereupon to give advice, to conduct investigations, and to institute prosecutions, as the circumstances may require; and to assist the Magistrate, if required, in the estimate of wages.

Power to summon witness on inquiry.

19.—(1.) The Immigration Agent General may summon any person as a witness whose evidence he considers necessary for the proper determination of any inquiry held by him under this Ordinance.

Schedule: Form No. 1. *See Ordinance No.* 12 *of* 1893.

(2.) The summons shall be served in the same manner as a summons issued by a Magistrate is required to be served.

(3.) Every person on whom any such summons has been duly served who, without any reasonable excuse, refuses or neglects to attend at the time and place mentioned in such summons shall be liable to a penalty not exceeding twenty-four dollars.

Administration of oath on inquiry.

20.—(1.) The Immigration Agent General may require every statement given by any person at any inquiry held by him under this Ordinance to be given upon oath, and for such purpose he is hereby authorized to administer to every such person on oath.

Schedule: Form No. 2: Form No. 3.

(2.) Every person who refuses to be so sworn, when thereto required, shall be deemed to have hindered the officer holding the inquiry in the execution of his duty, and shall be liable to be punished accordingly.

(3.) Every person who, after being so sworn, wilfully makes a false statement as to anything material to the proper determination of the matter then in question shall be deemed guilty of perjury, and shall be liable to be indicted and, if convicted, to be punished accordingly.

Taking of evidence on inquiry.

21.—(1.) The Immigration Agent General shall, when holding any inquiry under this Ordinance, take down in writing the material portions of the statements made by the employer, by the immigrant, or by any witness, and may require the employer or witness to sign such statement, if the same has been correctly taken down.

(2.) Every employer or witness who refuses to sign, or, if he is unable to write, to put his mark to, the statement made by him, if the same has been correctly taken down, when required to do so by the officer holding the inquiry, shall be deemed to have hindered such officer in the execution of his duty, and shall be liable to be punished accordingly.

Power to require production of labour books.

22.—(1.) The employer of any indentured immigrant shall be bound to produce to the Immigration Agent General, whenever required to do so and as often as may be required, each and every book of accounts kept by such employer in any way relating to the labourers employed on the plantation or in any way showing the wages paid to such labourers or to any of them, and to permit the Immigration Agent General to make copies of the same or of any portion thereof.

(2.) If any such employer refuses or neglects to do so, when thereto required, he shall be deemed to have hindered the Immigration Agent General in the execution of his duty, and shall be liable to be punished accordingly.

23. Every person who molests, hinders, or opposes any officer acting under this Ordinance in the execution of his duty, or in the exercise of any of the powers or authorities conferred upon him by this Ordinance, shall be liable to a penalty not exceeding ninety-six dollars or to imprisonment, with or without hard labour, for any term not exceeding six months, or to both such penalty and imprisonment. Molesting &c., officer in execution of duty.

24. All travelling expenses incurred by any officer of the Immigration Department or by the Medical Inspector in the performance of his duties, and attested by proper vouchers, shall be paid from the Immigration Fund. Travelling expenses.

Emigration Agencies.

25.—(1.) The Governor may appoint some fit and proper person to be Emigration Agent to superintend the emigration of labourers from any port or place in Asia from which immigrants may be introduced into this Colony. Appointment and salary of Emigration Agent.

(2.) Every such Emigration Agent shall receive such salary and allowances as may for the time being be assigned to him by the Combined Court.

26.—(1.) The Governor may, upon the recommendation of the Emigration Agent in any such port or place, appoint such and so many fit and proper persons as may be necessary as Clerks and Interpreters, or otherwise, to be employed in the work of the Emigration Office of this Colony in such port or place. Appointment and salaries of Clerks, &c., to Emigration Agent.

(2.) Every such person shall receive such salary and allowances as may for the time being be assigned to him by the Combined Court.

27.—(1.) Every Emigration Agent shall transmit his accounts to the Immigration Agent General, with proper vouchers, at such times as the Governor may direct. Accounts and expenses of Emigration Agent.

(2.) The amount of all necessary expenses incurred by any such Emigration Agent in the collection, maintenance, medical attendance, and inspection of emigrants and for their conveyance to this Colony, and of all just and reasonable expenses incurred by him in or incidental to the sending back to their homes of any emigrants who may be rejected at the port of embarkation, or in or incidental to the sending back to the port from which they sailed of any emigrants entitled to free return passages under this Ordinance, which may be attested by proper vouchers, shall be paid from the Immigration Fund.

PART II.

Fiscal Provisions.

28. For the purposes of this Ordinance there shall be a fund, to be called the "Immigration Fund" which shall be administered by the Receiver General, subject to the control of the Governor. Establishment of Immigration Fund.

29. The Immigration Fund shall be credited with all sums received on account of indenture fees, on account of the acreage tax levied by any Tax Ordinance for the time being in force, on account of any vote in aid of immigration for the time being made by the Combined Court, and on account of all other matters, and shall be debited with the whole annual cost of immigration under this Ordinance. Formation of and charges upon the Immigration Fund.

30.—(1.) The indenture fee payable by an employer to the Immigration Fund in respect of each adult immigrant allotted to him shall be such sum as may be from time to time fixed by Resolution of the Governor and Court of Policy; and the indenture fee payable in respect of each minor immigrant shall be one-half that which would have been payable if he had been an adult. Indenture fee.

(2.) When any immigrant is allotted to any Department for the public service of the Colony, the Department shall pay to the Immigration Fund in respect of such allotment the same sum that would have been payable by a private employer.

31. Unless the Governor specially requires the indenture fees on any allotment to be paid in cash, payment thereof shall be made in the following manner:—One-tenth shall be paid in cash forthwith, and for the balance five promissory notes shall be given, bearing date the day of the arrival of the ship in which the immigrants were introduced, the first for one-tenth of such indenture fees, payable, with interest at the rate of five per cent. per annum, at the end of one year from the date thereof, Mode of payment of indenture fee.

and the remaining notes, each for one-fifth thereof, payable respectively, with interest at the same rate, at the end of each of the four years then next following: Provided that if the employer refuses or neglects to pay, within six days after his account has been rendered to him by the Receiver General, either wholly in cash, or partly in cash and partly in promissory notes, as provided by this Ordinance, the amount of indenture fees payable in respect of such allotment, the whole shall thereupon fall due and become payable in cash: Provided, also, that on any allotment made to an employer in respect of any plantation held by him as a mortgagor, to which the mortgagee has objected in writing, or as a lessee for a term of years of which less than five years are expired, the indenture fees shall be paid in cash.

Preferent lien for debts due to the Immigration Fund.

32. The Receiver General shall, in respect of all promissory notes payable and sums of money due to the Immigration Fund on account of any immigrants indentured on a plantation, have and hold for the same, on behalf of the Colony, a preferent lien on such plantation over and above all liens, claims, charges, and mortgages, legal and conventional, except liens and preferent rights of the Crown, and such as may have been allowed or created by any Ordinance: Provided that, in the case of a plantation under lease, where the consent of the lessor has not been given to the lessee's application for the immigrants in respect of whom such preferent lien is claimed, the plantation shall not be subject thereto, except to the extent of the interest of the lessee in his lease.

Subsistence of lien, notwithstanding sale, &c., of plantation.

33. Where any plantation in respect of which promissory notes have been given by an employer under this Ordinance is sold by private contract, or at execution sale, or by the Administrator General, or devolves by inheritance, devise, or otherwise, the preferent lien of the Receiver General upon such plantation for the amount of all such promissory notes, with interest, shall subsist and continue, notwithstanding such sale and notwithstanding any transport or letters of decree executed in consequence of such sale, and notwithstanding any such devolution.

Personal responsibility of purchaser to the Immigration Fund.

34.—(1.) Immediately upon any such sale, the purchaser shall be bound to make out and deliver to the Receiver General on behalf of the Colony, in lieu of any such promissory note which may be outstanding, a new promissory note payable at the same date as such outstanding note, and with interest thereon as from the day of sale.

(2.) If any such purchaser refuses or neglects, on demand made by the Receiver General, to make out and deliver as aforesaid any such new promissory note, the whole of such outstanding promissory notes shall immediately fall due and become payable in cash.

(3.) The provisions of this section shall apply, with the necessary modifications, to the sale of any portion of a plantation.

Manner of proof on proceeding on promissory note, &c.

35. In any proceeding taken for the recovery of the amount of any promissory note payable, or of any sum of money due, to the Immigration Fund in respect of any immigrant allotted to or indentured on a plantation, it shall not be necessary to show that the person who signed such promissory note on the allotment to him of such immigrant, or to whom such immigrant was duly allotted or indentured, was the employer or other person entitled under this Ordinance to have such immigrant allotted or indentured to him in respect of the plantation from which such amount or sum is sought to be recovered, but it shall be sufficient to show that such immigrant was duly allotted or indentured, as the case may be, to perform service on such plantation.

Application of payments by employer indebted on promissory notes.

36. All sums of money which may be received in respect of immigrants by the Receiver General to which any employer is entitled by whom any outstanding promissory notes may have been given under this Ordinance shall be applied, in the first place, to the payment of such promissory notes, whether they have at the time become due and payable or not, and in the order in which they may fall due, and any interest which may have accrued shall be paid before the principal, and the balance of such sums shall be paid in cash to the employer entitled to the same.

Mode of recovery of debts due to the Immigration Fund.

37. The Receiver General shall, on behalf of the Colony, sue for and recover, by summary or parate execution against any plantation, all promissory notes which may at any time be payable and all sums of money which may at any time be due to the Immigration Fund in respect of such plantation.

PART III.

Arrival and Allotment.

Application.

Making of application for immigrants.

38. Every employer who desires to obtain an allotment of immigrants shall, on or before the fifteenth day of January, or such other day in each year as may be from time to time fixed by the Governor, send in to the Immigration Agent General an application in writing specifying the number of immigrants of each nationality required, the name and situation of the plantation to which he wishes such immigrants to be assigned, and the name of the proprietor or lessee of such plantation; and the Immigration Agent General shall register every such application in the Register of Applications for Immigrants.

Schedule: Form No. 4.

Application by lessee.

39. If any such application is made by or on the part of any lessee of a plantation, it shall be accompanied by the consent in writing of the proprietor, or, in default of such consent, the lessee shall show, to the satisfaction of the Immigration Agent General, that he is prepared to pay in cash on allotment the full amount of indenture fees payable in respect of the immigrants applied for.

Application by mortgagee.

40. If any such application is made by or on the part of the proprietor of a plantation under mortgage, and the mortgagee or his representative objects in writing to such application being complied with, it shall be the duty of the Immigration Agent General to refuse such application, unless such proprietor satisfies him that he is prepared to pay in cash on allotment the full amount of indenture fees payable in respect of the immigrants applied for.

Subsistence of application notwithstanding death, &c.

41. No application shall be rendered invalid, or be in any way affected, by reason of the death, insolvency, or absence of the employer by whom such application was made, or by reason of the sale by private contract, or at execution sale, or by the Administrator General of the plantation in respect of which such application has been made; and no application duly made may be withdrawn without the permission of the Immigration Agent General.

Application by Head of Department.

42. The Head of any Department of the Public Service may, with the sanction of the Governor, apply for the allotment of such immigrants as may be required for the service of the Colony in his Department, and shall be considered, for the purposes of this Ordinance, as the employer of such immigrants as may be allotted in consequence of such application.

Refusal of application.

43. Nothing in this Ordinance shall be held to interfere with the power of the Immigration Agent General, subject to the control of the Governor, to refuse any application for immigrants, or to refuse to deliver immigrants applied for on the arrival of such immigrants, if he sees reasonable grounds for such refusal, but every such refusal and the grounds thereof shall be communicated to the employer as soon thereafter as possible, and also to the Governor.

Determination of number of immigrants to be introduced.

44. When the applications for immigrants have been completed in any year, a list of such applications shall be submitted by the Immigration Agent General to the Governor, and the question how far and in what proportions they can be complied with shall thereupon be considered and determined by the Governor and Court of Policy.

Arrival.

Inspection of ship with immigrants on arrival.

45. On the arrival in the Port of Georgetown of any ship having immigrants on board, the Immigration Agent General, assisted by the Medical Inspector, or, in case of his absence or inability to act, by the Health Officer of the Port, shall inspect the ship and immigrants, and ascertain whether the provisions of the following Acts of Parliament, namely, the 16th and 17th Vict. cap. 84, the Chinese Passengers Act, 1855, and the Passengers Act, 1855, and of any other statute in this behalf now or hereafter to be in force, so far as they may be applicable, have been complied with, and shall report to the Governor the condition of such ship and immigrants, and shall transmit with such report the Surgeon Superintendent's return of deaths and births and certificate of performance by the owners of the covenants and conditions of the

18 & 19 Vict. c. 104.
18 & 19 Vict. c. 119.

charter-party, and also a certificate of the amount due for freight to such owners, and shall likewise require and transmit the report of the Medical Officer who has assisted him in the inspection.

Disposal of sick immigrant on board ship.

46. The Immigration Agent General shall, with the assistance of the Medical Inspector, or, in his absence or inability to act, of the Health Officer of the Port, and of the Surgeon Superintendent of the ship, examine the sick, if any, among the immigrants on board, and shall cause such of them as may need it to be sent to the Colonial Hospital, and shall transmit with them a list, signed by the Medical Officer who has assisted him in the inspection, stating the name, sex, age, disease, and length of time under treatment of every immigrant so sent, and the number by which he was designated on board ship.

Board and lodging of immigrant on arrival.

47. Every immigrant arriving in the Colony shall be provided with food and lodging in the Immigration Depôt, until he is allotted and delivered to an employer: Provided that if an immigrant is, in the opinion of the Immigration Agent General, not capable of performing service under indenture, such immigrant may be detained at the Depôt until he can be returned to the port or place from whence he came or until he is otherwise dealt with by the Immigration Agent General.

Allotment.

Order of allotment.

48. Allotment shall, in the first place, be made to the Head of any Department of the Public Service of such immigrants as he may have applied for, and afterwards to the several employers who have made application, in such order as the Governor may from time to time direct, and in such manner as the Immigration Agent General may determine.

Allotment for domestic service.

49. The Immigration Agent General may allot immigrants under this Ordinance for domestic or other service when all the approved applications for immigrants have been complied with, or when any particular immigrants are, in his opinion, by their physical condition or previous occupation, more fitted for employment in domestic or other service than for agricultural labour: Provided that no such allotment shall be made without the consent of the immigrant proposed to be so allotted.

Conditions of allotment.

50. In making an allotment, husbands shall not be separated from their wives, nor minors and infants from their parents or natural guardians, and, so far as may be possible, members of the same family and neighbours from the same village, and persons who may agree in representing themselves to be friends and associates, shall not be separated from each other.

Indenture fee payable in respect of immigrant not able-bodied.

51. In any allotment the Immigration Agent General shall, with the assistance of the Medical Inspector, or, in case of his absence or inability to act, of the Health Officer of the Port, distinguish every immigrant who is, in his opinion, not able-bodied and not capable of performing service as an agricultural labourer; and the indenture fee payable in respect of any such immigrant shall be such part of that which would have been payable in respect of such immigrant, if he had been an able-bodied immigrant, as the Immigration Agent General may think proper, or such immigrant may be indentured without payment of any indenture fee: Provided that the classification on arrival as able-bodied or otherwise shall not be regarded as applying to the whole period of indenture, if the circumstances in any case otherwise require.

Mode of indenture.

Schedule: Form No. 5.

Form No. 6.

52.—(1.) On the completion of every allotment or other disposition of immigrants on introduction, the Immigration Agent General shall register every immigrant included in such allotment or disposition in the General Register of Immigrants introduced into the Colony, distinguishing, to the best of his ability, such as are adults, minors, and infants respectively, and shall number therein each of such immigrants by a particular number, commencing from the last number borne on such Register and proceeding by regular numerical progression, and shall deliver to the employer an Indenture List, signed by himself, and a duplicate of such list shall be signed and delivered by the employer to the Immigration Agent General.

(2.) On the delivery of such list, every immigrant mentioned therein shall become bound by such indenture.

(3.) The Immigration Agent General shall also transmit to the Receiver General a return showing the number of immigrants included in such allotment, and the sums payable by way of indenture fees or otherwise in respect of such immigrants.

Detention of immigrant after allotment at the Depôt.

53. If any employer to whom an allotment is made does not take away the immigrants allotted to him within four days after receiving notice that they are ready for delivery, or if the Immigration Agent General deems it necessary to detain such immigrants at the Depôt on account of satisfactory accommodation not having been provided for them at the plantation to which they are allotted, or for any other cause which, in the opinion of the Immigration Agent General, renders such detention necessary, the employer shall pay to the Immigration Fund at the rate of sixteen cents for each adult immigrant and eight cents for each minor and infant immigrant for every day that such immigrant remains at the Depôt.

Annual publication of list of ships and of allotment of immigrants.

54. The Immigration Agent General shall, as soon as possible after the first day of April in every year, publish in the Gazette a list of all ships which have arrived with immigrants, and a statement of the allotment and distribution of such immigrants, during the preceding season.

PART IV.

INDENTURE.

Right of immigrant to enforce previous contract made with him.

55. If any immigrants introduced into the Colony under a previous contract entered into with any Emigration Agent or other officer of the Emigration Office of this Colony in the country from which he may have emigrated, or with any employer or agent of an employer, such contract shall be valid and enforceable in every respect as against the Colony or the employer, as the case may be, and, in so far as the rights of such immigrant may exceed or vary from the rights which he would have enjoyed under this Ordinance if he had not entered into such contract, he shall be entitled to the benefit of such contract.

Case of previous contract made with Indian immigrant.

56. Except by permission of Her Majesty's Government previously had and obtained, no previous contract entered into with any immigrant from any part of India shall be valid as against such immigrant.

Term of indenture.

57. The indenture of any immigrant arriving in the Colony from any part of Her Majesty's Dominions in the East Indies, and, in the absence of any previous contract made out of the Colony in that behalf, of any male immigrant arriving in the Colony from any other part of Asia, shall be for the term of five years from the date of his allotment: Provided that, for the purposes of labour under Part VIII., the indenture of a female immigrant shall be for the term of three years only from the date of her allotment; and in their application to such immigrant the provisions of this Ordinance shall be subject to this enactment: Provided, however, that this enactment shall not apply to female immigrants already under indenture at the commencement of this Ordinance or to female immigrants arriving in the Colony subsequently to such commencement and being indentured before the 1st day of July, 1895.

Special provisions respecting previous contracts.

58. Upon the indenture of any immigrant introduced under any previous contract, a copy of such contract shall be preserved in the Immigration Office, and another copy of such contract shall be appended to the indenture list given to the employer; and the indenture shall be subject to such contract in so far as such contract is enforceable under this Ordinance.

Case of previous contract made with minor immigrant, &c.

59. No minor or infant immigrant shall be bound by any such previous contract, whether the same is alleged to have been entered into by himself or on his behalf.

Exemption of infant immigrant from indenture.

60.—(1.) No infant immigrant shall be indentured or shall be compelled to perform any service whatever upon any plantation: Provided that where any immigrant is under the age of ten years on introduction into the Colony, he shall, on attaining that age, be deemed to be under indenture until the expiration or determination of the indenture of the relative or friend under whose charge such immigrant has been introduced, and shall be deemed to be under indenture to the employer to whom such relative or friend is indentured until such event as aforesaid.

(2.) At the expiration or determination of the indenture of such relative or friend, every immigrant who has been introduced under the age of ten years shall be entitled to a certificate of exemption from labour, whether he has been indentured or not.

Provision as to minor immigrant.

61. Every indentured minor immigrant shall, on attaining the age of fifteen years, become an indentured adult immigrant.

Rights of minor, &c., immigrant residing on plantation.

62. Every minor or infant immigrant residing on a plantation, and every immigrant indentured as other than an able-bodied immigrant, shall be entitled to the same rights, privileges, and immunities as able-bodied immigrants under indenture are entitled to under this Ordinance.

Provision as to school-teaching of minor immigrants.

63. A minor immigrant shall not be indentured to any employer who has not previously made all available provision, to the satisfaction of the Governor, for the instruction of such minor immigrant in reading, writing, and the elements of arithmetic.

PART V.

Dwellings.

Information about dwellings to be furnished by employer.

64. No immigrants allotted to a plantation shall be delivered to the employer until the employer has furnished the Immigration Agent General with any information required by him with regard to the dwellings to be assigned to such immigrants.

Providing of suitable dwelling for indentured immigrant.

65. Every employer shall at all times provide an immigrant under indenture upon his plantation with a suitable dwelling and keep such dwelling in sufficient repair and the roofs of the same water-tight, and shall keep the yard and grounds for a sufficient space round about such dwelling well drained, and the drains clean and in good order, and the yard and grounds free from bush and from weeds and rubbish of every description, except as hereinafter provided.

Assignment and superficial capacity of dwellings.

66. No dwelling which, in the opinion of the Medical Inspector, is unfit for habitation shall be assigned to any indentured immigrant; and no greater number of immigrants shall be assigned to any dwelling or separate apartment, except with the special permission of the Medical Inspector, than at the rate of one adult to every fifty feet of superficial space, or of three single men, or of one man and one woman with not more than two children, to every one apartment of not less than one hundred and twenty feet of superficial space.

Keeping of Register of Dwellings.
Schedule: Form No. 7.

67.—(1.) Every manager shall keep a Register of all such Dwellings on his plantation as are, or are intended to be, assigned to indentured immigrants for their habitation, and shall from time to time enter on such register the names of all the indentured immigrants in each house or apartment.

(2.) Such register shall be at all times open to the inspection of the Immigration Agent-General, of the Medical Inspector, and of the Government Medical Officer, and the Medical Inspector shall mark therein, under his signature, such dwellings as he may from time to time consider to be unfit for habitation, and also such dwellings as he may have permitted to be occupied in excess of the scale authorized by this Ordinance, with his reasons for such permission.

(3.) The Medical Inspector shall report to the Surgeon General such requisitions as he may deem necessary for ensuring the sanitary fitness of such dwellings for habitation, and a copy of every such requisition shall be transmitted by the Surgeon-General to the Immigration Agent General and by the Immigration Agent General to the employer; and every such requisition shall be complied with by the employer: Provided that if the employer considers any such requisition unreasonable, he may make such representation as is hereinafter provided in the case of requisitions in the Hospital Register.

Making of regulations in respect of dwellings.

68.—(1.) The Immigration Agent General may, with the assistance of the Medical Inspector, make such regulations as may seem necessary for the proper construction, arrangement, and drainage of the dwellings of indentured immigrants, with the yards and grounds about the same.

(2.) All such regulations shall be subject to the approval of the Governor and Court of Policy, and copies thereof shall be sent to the manager of every plantation on which there are indentured immigrants.

69. Every employer who—

Default of employer in respect of dwelling.

(1.) Fails to provide any immigrant indentured to him with a suitable dwelling; or

(2.) In any respect refuses or neglects to comply with the provisions of this Ordinance, or with the regulations made thereunder, in respect of the repair, occupation, arrangement, and drainage of such dwellings, or in respect of the Register of Dwellings,

shall be liable, on the complaint of any immigrant thereby aggrieved or of the Immigration Agent General, to a penalty not exceeding twenty-four dollars.

70. Every indentured immigrant who—

Default of indentured immigrant in respect of dwelling.

(1) Refuses or neglects to keep the yard and the drain, if any, at the front and the back of his dwelling, for a space not exceeding twenty feet on either side, free from bush and from weeds and rubbish of every description; or

(2.) Keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health; or

(3.) Refuses or neglects, within a reasonable time after being thereto required by the manager, to remove any nuisance or substance injurious to health from his dwelling, or to remove any such nuisance or substance which he may have caused or placed in the immediate proximity of his own or of any other dwelling; or

(4.) Commits any nuisance on any dam or common thoroughfare of the plantation or in the vicinity of any dwelling on the plantation; or

(5.) Wilfully causes any obstruction to any drain or trench on the plantation; or

(6.) Wilfully fouls any fresh-water pond or trench of the plantation;

shall be liable to a penalty not exceeding five dollars or to imprisonment for any term not exceeding fourteen days.

PART VI.

Rations.

71. Every employer to whom any immigrants may be allotted shall, for three months from and after the first date of delivery to him of the immigrants included in such allotment, provide and distribute daily and every day to every such immigrant, being an adult, such rations of food as are specified in the Schedule to this Ordinance, or in such varied or other scheme as may be from time to time put forth by the Immigration Agent General, with the sanction of the Governor and Court of Policy, and to every such immigrant, being a minor, one-half of such rations, and to every such immigrant, being an infant, one-third of such rations, and may, week by week, deduct the cost of his rations for the week from any wages earned by such immigrant during the week, in the case of an adult at the rate of eight cents, and in the case of a minor at the rate of four cents, for every day's rations furnished to them respectively; but no deduction shall be made by or allowed to any employer in respect of rations supplied to an infant immigrant or in respect of rations furnished in any previous week: Provided that no immigrant who, before being allotted, has been resident in this Colony or in any place in the West Indies for a period of twelve months at any time preceding such allotment shall be required to receive such rations, unless he himself desires it.

Providing of rations for three months after allotment.

Schedule: Form No. 8.

72. Every manager shall keep a Muster-Roll of all immigrants who have been allotted to the plantation within the then next preceding twelve months, and such Muster-Roll shall, on some stated day in every month, be called over in the presence of the Government Medical Officer, when every immigrant whose name is therein inscribed shall be produced by the manager, and his state of health and sanitary condition ascertained by the Government Medical Officer.

Keeping of Muster-Roll of newly-indentured immigrants.

73. The Immigration Agent General may, on the recommendation of the Government Medical Officer, or, in any case of emergency, the Government Medical Officer may, subject to the approval of the Immigration Agent General, direct any indentured immigrant to be placed in the receipt of daily rations, either for a certain

Placing of other immigrant on rations.

period or until further direction; and such immigrant shall thereupon be inscribed on the Muster-Roll and shall be in all respects subject to the provisions of this Ordinance in respect of new-comers therein inscribed: Provided that no such immigrant shall remain inscribed on the Muster-Roll beyond the space of six months without a fresh order: Provided, also, that every such immigrant, while he remains on the Muster-Roll, shall be considered other than an able-bodied immigrant.

Prohibition of sale and purchase of rations.

74.—(1.) Every immigrant rationed under this Ordinance who sells or barters any ration, or part of a ration, which has been furnished under this Ordinance shall be liable to imprisonment for any term not exceeding fourteen days.

(2.) Every person who takes, by way of purchase or barter, from any immigrant rationed under this Ordinance any such ration, or part of a ration, shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment for any term not exceeding one month, or to both such penalty and imprisonment.

PART VII.

Hospitals.

Hospital accommodation to be provided for immigrants on plantation.

75.—(1.) No immigrant shall be allotted to or indentured on any plantation upon or for which there is not or are not a hospital or hospitals certified or hereafter to be certified under this Ordinance, and capable of affording accommodation for all immigrants on such plantation at the rate of at least ten beds for not more than fifty immigrants, fifteen beds for from fifty to one hundred immigrants, and five for every hundred immigrants after the first hundred, and affording separate accommodation for male and female immigrants.

(2.) No joint hospital for any two or more plantations, and no hospital which is not situated upon the plantation for which it is intended, shall be allowed without a certificate in its favour from the Medical Inspector, and no such certificate shall be given without the special permission of the Immigration Agent General.

Certifying of hospital.

76.—(1.) The Medical Inspector shall, on the request of any employer, inspect the site and examine the plans for any building proposed to be erected or altered as a certified hospital under this Ordinance, and shall direct to be made therein such alterations and changes as may, in his opinion, be necessary for ensuring the proper construction, ventilation, and drainage of such hospital, and shall certify any building erected in compliance with such directions and with the provisions of this Ordinance, or which has been altered so as to comply with the same, as a certified hospital for the purposes of this Ordinance, and shall state in such certificate the number of patients which such hospital is capable of accommodating.

(2.) Except as provided for in such certificate, no part of any certified hospital, or of the space under the same, shall be used for any purpose except the accommodation and treatment of patients.

(3.) No structural alteration shall be made in any certified hospital unless the same has been approved by the Medical Inspector.

Right of lessee in certified hospital.

77. Any lessee of a plantation who, in accordance with any requisition of the Medical Inspector, provides a new hospital or additional hospital accommodation for immigrants under indenture on such plantation shall be entitled to receive such compensation therefor from the lessor, on the termination of his lease, as may be awarded to him by two arbitrators to be appointed by himself and the lessor respectively, or by such umpire as the arbitrators may appoint.

Withdrawal of certificate of hospital.

78.—(1.) If at any time the accommodation afforded in any certified hospital falls short of that required by this Ordinance as aforesaid, or if any certified hospital appears to the Government Medical Officer to be for any reason unfitted for the purpose of, and improper to be used as, a certified hospital, the Government Medical Officer shall make a report in writing of the matter to the Surgeon General, and the Medical Inspector shall, at his next regular visit, or sooner in case of urgency, examine into the matter, and, after conferring thereupon with the employer and with the Government Medical Officer, shall make such report to the Surgeon General as may, in his opinion, be necessary and proper.

(2.) If the Medical Inspector reports that such hospital ought not to continue any longer to be a certified hospital, the Surgeon General shall forthwith transmit a duplicate copy of such report to the Immigration Agent General, who may, subject to the approval of the Governor, withdraw the certificate of such hospital; and if the employer does not, within twelve months after the withdrawal of such certificate or within such further period as the Governor may allow, provide some other building proper to be certified as a hospital under this Ordinance, it shall be lawful for the Immigration Agent General to remove all or any of the indentured immigrants from such plantation, and to transfer any such immigrants for the unexpired remainder of their terms of service to any other employer who may be willing to accept their services and to pay the commutation money: Provided that any hospital from which the certificate has been so withdrawn shall, notwithstanding such withdrawal, continue to be regarded as a certified hospital with respect to all matters connected with the maintenance of discipline and the enforcement of the hospital regulations under this Ordinance.

Making of hospital regulations and dietary.

79.—(1.) The Surgeon General may make such regulations as he may think fit for the proper arrangement and management of certified hospitals, and shall specify therein the furniture, medicines, and appliances, and the quantities of each, which are to be kept supplied in each hospital for the use of the same, and shall also frame the dietary which is to be used in such hospitals.

(2.) All such regulations and every such dietary shall be subject to the approval of the Governor and Court of Policy, and shall, when approved, be published in the Gazette, and copies of the same, with translations thereof, or such parts thereof affecting the rights and obligations of immigrants as the Immigration Agent General may select, into the several languages of the immigrants residing in the Colony, shall be transmitted by the Immigration Agent General to the manager of each plantation on which there may be a certified hospital, and shall be at all times kept suspended within such hospital in such place and manner as to be generally legible.

Furniture, &c., of hospital.

Schedule: Form No. 9: Form No. 10.

80.—(1.) The employer shall at all times keep the hospital properly furnished with such bedding, utensils, and other furniture, and the dispensary thereof supplied with such medicines, medical stores, and surgical appliances, as may be required by the hospital regulations, and shall provide for the continual supply to the hospital, in sufficient quantities, of all articles of food comprised in the dietary, and also of such extras as may be specially prescribed by the Government Medical Officer, and shall also provide a Case Book and a Hospital Register, to be kept in the hospital, and shall record in the Case Book any failure of the Government Medical Officer to visit the Hospital at the times and in the manner directed by this Ordinance.

(2.) Such Case Book and Hospital Register shall be at all times open to the inspection of the Immigration Agent General, of the Medical Inspector, and of the Government Medical Officer, and shall be produced in any Court, if the presiding Judge or Magistrate so requires, in any proceeding taken under this Ordinance by or against any immigrant.

Employment of dispenser and assistants for hospital.

81.—(1.) The employer shall employ in the hospital and pay at least one qualified dispenser or principal sick nurse, and shall also, if and whenever the Government Medical Officer so requires, employ such additional assistants as may be necessary for the proper care of the patients in the hospital, and shall, if there are female patients, provide a female as well as a male sick nurse.

(2.) If at any time the Government Medical Officer is of opinion that any person employed in the hospital as a dispenser or assistant is, by reason of misconduct or incapacity, unfit to be so employed, he shall make an entry to that effect in the Hospital Register, and shall immediately report such entry to the Surgeon-General, and, if the Medical Inspector so directs, in writing addressed to the employer, the employer shall without delay remove such person and appoint some other fit and proper person in his place.

Duties of dispenser.

82.—(1.) The dispenser or principal sick nurse shall constantly reside on the premises of the hospital, and shall have charge of all furniture, medicines, stores, and appliances belonging thereto, and shall draw upon and account to the employer for all stores supplied to the patients by way of diet or otherwise, and shall in all matters affecting the health or comfort of the patients be subject to the orders of the Government Medical Officer, and shall, subject to such orders, attend the patients,

make up and administer the medicines, and serve out the diets as the Government Medical Officer may direct, and shall report to him any badness in the quality or defect in the quantity of such furniture, medicines, stores, and appliances, and shall enter in the Case Book the name and description of every immigrant brought to the hospital, and shall enter in the Hospital Register the name and description of every patient admitted by the Government Medical Officer, with the date of his admission and of his discharge, the nature of his disease or injury, and the result of the case, and shall keep an account of all stores expended in the service of the hospital, and of the prices paid for all such stores as he is himself authorized by the employer to purchase.

(2.) Such account shall be at all times open to the inspection of the Immigration Agent General, of the Medical Inspector, and of the Government Medical Officer, and shall be produced in any Court, if the presiding Judge or Magistrate so requires, in any proceeding taken under this Ordinance by or against any immigrant.

Visits of Government Medical Officer.

83. The Government Medical Officer shall visit each plantation in his District upon which there may be any indentured immigrants at least once in every forty-eight hours, Sundays excepted, and oftener in cases of emergency, or if specially summoned by the manager in any such case, or if specially required by the Surgeon General, and shall, on every such visit, sign his name, with the date and hour of such signature, in the Case Book; and shall, from time to time and as he may be directed by the Surgeon General, visit the dwellings of the immigrants and the yards and grounds about the same, and shall order every indentured immigrant on the plantation whom he may consider to require medical treatment to be treated either as an in- or out-patient, as the case may require, and shall report to the Surgeon General every case of neglect on the part of the manager to send to hospital or to produce before him any indentured immigrant who should be so sent or produced.

Treatment of patients by Government Medical Officer.

84. The Government Medical Officer shall, in the case of every patient brought to him for treatment or treated by him on a plantation, record in the Case Book any disease or injury from which such patient may appear to be suffering, with the remedies prescribed and the diet ordered in each case, and whether he is treated as an in- or out-patient, and shall inform every in-patient of the diet prescribed for him, and whether stimulants and other extras are to be given with such diet; and, in case of complaint, shall ascertain whether such diet and extras have been duly given.

Responsibility of Government Medical Officer for hospital.

85.—(1.) The Government Medical Officer shall see that the hospital, with all bedding, utensils, and other furniture belonging thereto, is at all times kept clean and in proper order, and that there is at all times a sufficient supply of the medicines and food required by the hospital regulations and dietary.

(2.) He shall note in the Hospital Register any badness in the quality or defect in the quantity of the furniture, medicines, stores, and appliances of the hospital and any other neglect or violation of the provisions of this Part or of the hospital regulations and dietary on the part of the employer or of any officer or servant of the plantation, and any omission or delinquency on the part of the hospital dispenser or principal sick nurse, not amounting to ground for his dismissal, and shall require the employer to provide such remedy for the evil, or to take such precautions against it, as may, in his opinion, be necessary.

Removal of patient to Public Hospital.

86. The Government Medical Officer may require the manager, by an entry made in the Hospital Register, to remove to any Public Hospital any immigrant patient in a certified hospital whose case may seem to him to require such removal, and the employer of any indentured immigrant who may be admitted into any Public Hospital, either upon the requisition of the Government Medical Officer, or when sent thither by the Immigration Agent General, or otherwise, shall pay to the Receiver General the sum of twenty-five cents for each day that such indentured immigrant remains in such Hospital, and also, in case such immigrant dies in such Hospital, the expense of the burial of such immigrant: Provided that the Governor may at any time, upon the recommendation of the Surgeon General, by notice in the Gazette suspend the operation of this section as regards either of such hospitals for such term as may be necessary: Provided, also, that no employer shall be liable to the Receiver General in respect of any immigrant admitted into a Public Hospital

who has deserted from his plantation and for whose apprehension he has taken out a warrant as hereinafter provided: Provided, also, that if the Medical Officer of either of such hospitals certifies, as to any such immigrant patient, that he is labouring under incurable insanity or leprosy, the liability of the employer under this section shall, in respect of such immigrant, absolutely cease and determine.

Requisition by Medical Officer.

87.—(1.) The Medical Inspector and the Government Medical Officer shall respectively make in the Hospital Register such requisitions as they may deem necessary in relation to the hospital.

(2.) Every such requisition shall be complied with by the employer, and the Medical Inspector or the Government Medical Officer shall report every case of non-compliance or of unnecessary delay in complying with any such requisition to the Surgeon General, and the Surgeon General shall forward every such report, with his own remarks thereon, to the Immigration Agent General.

Appeal against requisition of Medical Officer.

88.—(1.) If any employer represents to the Surgeon General that any requisition made by the Medical Inspector or by the Government Medical Officer is unreasonable, or that the course of treatment pursued by the Government Medical Officer is in any respect injudicious or extravagant, or that he has any other just cause of complaint against the Medical Inspector or the Government Medical Officer in respect of the management of the hospital or the treatment of the patients, the Surgeon General shall cause full inquiry to be made into the matter, and may require the Medical Inspector to annul such requisition, or to give such other directions or instructions in the matter to the Government Medical Officer as he may think necessary.

(2.) Every employer and every Medical Officer shall be bound by the decision of the Surgeon General, subject to the approval of the Governor.

Default of employer in respect of hospital arrangements.

89. Every employer who in any respect refuses or neglects to comply with the provisions of this Ordinance, or of the hospital regulations and dietary, in respect of the arrangement and management of any certified hospital or of the treatment of patients, or with any requisition made in pursuance thereof in the Hospital Register by the Medical Inspector or by the Government Medical Officer, or with any requisition of the dispenser or principal sick nurse made in carrying out any prescription or diet order which has been entered by the Government Medical Officer in the Case Book, shall be liable, on the complaint of the Immigration Agent General, to a penalty not exceeding forty-eight dollars.

Default of employer in respect of treatment of sick immigrant.

90. Every employer who—

(1.) Refuses or neglects to send to hospital any indentured immigrant on the plantation who is in need of medical care or treatment in hospital; or

(2.) Fails, at any visit of the Government Medical Officer, to produce before him any such immigrant who may require medical care or treatment; or

(3.) Refuses or neglects to provide any such immigrant with the medicines, medical comforts, and diet which may be ordered for him while under treatment by the Government Medical Officer,

shall be liable, on the complaint of such immigrant, to a penalty not exceeding twenty-four dollars.

Misconduct of indentured immigrant in respect of hospital.

91. Every indentured immigrant who—

(1.) After being sent to the hospital by any duly authorized person, or after having voluntarily gone to the hospital, is found beyond the limits of the hospital before he has been discharged by the Government Medical Officer; or

(2.) Refuses or neglects to go to the hospital when ordered by his employer to do so; or

(3.) Refuses or neglects to appear at any time when required to do so before the Government Medical Officer; or

(4.) Resists any lawful order for his conveyance to the hospital or his production before the Government Medical Officer; or

(5.) Contravenes any of the hospital regulations; or

(6.) Behaves himself in a disorderly or refractory manner while in the hospital,

shall be liable to a penalty not exceeding five dollars or to imprisonment for any term not exceeding fourteen days.

Obligation of hospital regulations on other than indentured immigrant.

92. Every person who is admitted into the hospital of a plantation for treatment on his own request or with his own consent, or without such consent in case of inability to express consent, shall be bound by the hospital regulations in the same manner as an indentured immigrant.

PART VIII.

Labour and Wages.

Provisions with regard to Indentured Immigrants.

Providing of work and payment of wages.

93.—(1.) The employer shall provide every indentured immigrant on his plantation with sufficient work for a full day's labour on every day (except Sundays and authorized holidays) on which field work is not rendered impossible by reason of bad weather, and shall pay him wages, either by the task or by the day, weekly, on the same day in every week, unless such day falls on an authorized holiday, in which case payment shall be made on the previous business day.

(2.) If any indentured immigrant, being willing and able to work, is not provided with work on any working day, he shall be entitled to his full day's wages for every day on which work is not so provided for him.

Assignment of work.

94.—(1.) The employer may require any indentured immigrant to perform, by way either of task work or of time work, any work for which he is not physically unfit; but all work, whether in the buildings or otherwise, which requires the co-operation of more than two labourers at once, in such a fashion that the indolence of one or more may prevent another from earning the full amount of wages which otherwise he might have earned in a day, shall be paid for by the day and not by the task.

(2.) The employer shall inform every immigrant, upon the assignment to him of any task or time work, whether he is to be paid wages for it by the task or by the day, and at what rate for the task or day respectively.

Duration of time work and of task work.

95. Subject to the provision for leave of absence from the plantation hereinafter contained, every indentured immigrant shall be present at the work assigned to him on every day, (except Sundays and authorized holidays) in the field for seven hours and in the buildings for ten hours: Provided that no immigrant employed in field labour who has been present at the work assigned to him for forty-two hours, and has earned one dollar and fifty cents wages, during the week shall be compelled to be again at present at work during that week.

Limit of task work per diem.

96. No task shall be of greater extent than can be performed by the immigrant to whom it is assigned within one working day of seven hours without extraordinary exertion.

Rate of wages for time work.

97.—(1.) The employer shall pay to every indentured immigrant employed in time work day wages at the rate, for each day during which such immigrant has been present at work for the full time prescribed by this Ordinance, of not less than twenty-four cents if he is indentured as an able-bodied adult immigrant, and not less than sixteen cents if he is indentured as other than an able-bodied adult immigrant: Provided that if any indentured immigrant is, in the opinion of the Government Medical Officer, physically incapable of earning the minimum amount at the ordinary rates of wages, the Government Medical Officer may direct that his name be placed on a list to be called the "Invalid List," and any immigrant whose name is entered on this list shall receive daily rations and be given work suitable to his condition and be paid such wages proportionate to the work as may be approved by the Immigration Agent General, or the Immigration Agent General may, if he thinks fit and with the consent of the employer, cancel the indenture of any such immigrant and provide him, if he so desires, with a return passage to the port or place from whence he came.

Schedule: Form No. 11: A and B.

(2.) The employer shall keep a Pay List of all wages paid to indentured immigrants on his plantation.

Rate of wages for task work.

98. The rate of wages for any description of task work performed shall not be less than that ordinarily paid for the same description of work to the creole and other unindentured labourers working on the same plantation; and if there are no such labourers, or if they are paid less than the average rate paid for the same description of work to such labourers on neighbouring plantations, then not less than such average rate; and if there are no such labourers performing the same description of work on neighbouring plantations, then it shall not be less than that ordinarily paid for the same description of work to indentured labourers upon neighbouring plantations: Provided that the wages agreed upon for a task shall in no case be less than the minimum amount of day wages payable for time work.

Proceedings by immigrant for recovery of wages short-paid.

99. If an indentured immigrant is dissatisfied with the amount of wages tendered for any time or task work assigned to him by the employer, he may, after performance of the time or task work in question, proceed in a summary manner before the Magistrate of the District to recover any deficiency by which the wages so tendered fall short of a fair remuneration for the work so performed, or may make a complaint or lay an information against the employer for the unlawful withholding of wages duly earned; and any such complaint or information may be turned by the Magistrate into such proceedings for recovery, if he is of opinion, after hearing the case, that there exists grounds for further inquiry before estimating such wages.

General procedure for recovery of wages.

100.—(1.) In any proceeding for the recovery of wages by an indentured immigrant, it shall not be necessary for such immigrant to take out a summons against the employer, or to make or lay a formal complaint or information therefor; but the Magistrate may, upon receiving from such immigrant any verbal statement of complaint, require of the manager a statement in writing of the work in question performed by such immigrant, and of the wages paid therefor, together with any other material facts or documents.

(2.) If the matter at issue appears to be such as should be tried upon a complaint for the unlawful withholding of wages, the Magistrate shall forthwith issue, free of cost, a summons to the employer to appear and answer such complaint, and shall proceed thereupon as if the immigrant had in the first place made such complaint, and shall give notice to the immigrant accordingly; but if the rate of wages is the subject-matter of dispute, the Magistrate shall forthwith proceed to estimate, to the best of his ability, what is a fair remuneration for the work in question.

Mode of making estimate of wages, and order thereon.

101.—(1.) In making such estimate, whether for time or task work, the Magistrate shall have regard, in the first place, to the rule hereinbefore laid down for determining the rate of task wages, and, in the second place, to the rates paid to indentured immigrants on neighbouring plantations for descriptions of work most nearly similar to that in question; and it shall be lawful for him to summon witnesses skilled in the valuation of labour, and to allow such witnesses their travelling expenses and payment for their time, at a rate not exceeding five dollars a day for a manager, forty-eight cents a day for a day labourer, and two dollars a day for any other person.

(2.) The Immigration Agent General shall, on his request, furnish the Magistrate with any information in his possession which may assist him in forming a decision, and shall, if necessary, hold an investigation upon the spot of the circumstances material to the question, and report to the Magistrate the result thereof.

(3.) The Magistrate shall make such order in the premises as to him may seem just, and shall direct by whom and in what proportions the cost of the proceedings shall be paid, and shall specify in such order the grounds of his decision, and shall forward a copy thereof to the Immigration Agent General.

(4.) Every such order shall be enforceable, and every payment directed thereby shall be recoverable, in the same manner as in the case of any order made in the exercise of the ordinary summary jurisdiction; and every such order shall be final and without appeal.

Assault on indentured immigrant by employer, &c.

102. If any employer, manager, or officer of a plantation assaults, or in any way ill-uses, an immigrant indentured on such plantation, he shall be liable to a penalty not exceeding forty-eight dollars, or to imprisonment, with or without hard labour, for any term not exceeding two months, or to both such penalty and imprisonment.

Unlawful withholding of wages.

103.—(1.) If any employer, manager, or officer of a plantation unlawfully withholds or causes to be withheld any wages earned by an indentured immigrant, he shall be liable to a penalty not exceeding forty-eight dollars.

(2.) The Magistrate shall order any such wages to be paid, and shall report every conviction under this or the last preceding section, together with such circumstances of aggravation or extenuation as to him may seem noteworthy, to the Immigration Agent General.

Prohibition of stoppage of wages and of payment in kind.

104.—(1.) Except as hereinafter provided, all wages duly earned by an indentured immigrant shall be paid in money, without any deduction; and every stoppage of wages duly earned by any such immigrant, and every postponement of payment of such wages beyond the next pay-day after such wages are due, and any payment of wages in kind, shall be taken to be an unlawful withholding of wages.

(2.) No manager who supplies goods on credit to his indentured immigrant shall be entitled to stop the price thereof out of any wages which may be thereafter earned by such immigrant.

Refusal or neglect of indentured immigrant to amend work improperly performed.

105. Every indentured immigrant who, without reasonable excuse, refuses or neglects to amend any work duly thrown out for an improper performance, shall, on the first conviction, be liable to a penalty not exceeding five dollars or to imprisonment for any term not exceeding fourteen days, and, on a second or any subsequent conviction, to a penalty not exceeding ten dollars or to imprisonment for any term not exceeding one month, and shall further forfeit any such portion of the wages which may be due for such work as the Magistrate may think proper, and the manager may suspend the payment of any such wages, pending any proceedings which he may have taken against such immigrant for such refusal or neglect: Provided that no work shall be taken to have been duly thrown out for improper performance, unless the manager has taken down the work on the spot the same day or the next day after such work has been done, nor unless the manager has informed the immigrant upon the spot that his work is thrown out, or, in case he is absent, so soon after as is possible, and has specified the ground or matter of his objection to the work done, and has required him to amend the same.

Making of agreement for extra time in field or in buildings.

106.—(1.) An indentured immigrant may bind himself, by agreement with his employer, made in the presence of two witnesses and terminable on the next weekly pay-day, to work extra time in the field: Provided that the description of work to be assigned to him during such extra time shall be expressly stipulated beforehand.

(2.) An indentured immigrant may bind himself, by agreement with his employer, made in the presence of two witnesses and terminable on the next weekly pay-day, to work extra time in the buildings, and the employer may assign to him during such extra time any work in the buildings which he is physically competent to perform; but no indentured immigrant shall be compellable under any such agreement to work on any one day for more than six hours of extra time, or to perform work of a different description from any such as he may, by his agreement, have expressly stipulated for.

(3.) In the absence of any previous agreement to that effect, an indentured immigrant employed in the buildings may on any day be required to work extra time not exceeding six hours: Provided that the intention to require extra time shall be communicated to him at least one hour before the expiration of the ordinary time, and that, if he then gives notice of his refusal to continue any longer at work, he shall be entitled to leave work one hour after the expiration of the ordinary time.

Payment for extra time work.

107. All extra time work shall be paid for by the hour, at a rate not less than that at which ordinary time work is paid for; and the same provisions, remedies, and penalties in respect of the due performance of work and payment of wages shall apply to service as a watchman and to extra time work, whether under agreement or otherwise, as are contained in this Part with reference to ordinary work.

Service as watchman.

108.—(1.) No indentured immigrant shall be bound to serve as a watchman, but he may bind himself by an agreement with his employer, made in the presence of two witnesses, to serve as a watchman on the plantation for any term not longer than one month or from month to month, and unless he gives notice of his wish not to serve any longer as a watchman at least seven days before the expiration of any month's service, he may be compelled to serve for the next month.

(2.) Every indentured immigrant who, after having agreed to serve as a watchman,—

(*a.*) Unlawfully neglects his duty as such watchman; or

(*b.*) Unlawfully neglects to serve as a watchman during the period for which he has agreed to serve or for which he is bound to serve,

Schedule: Form No. 12.

shall be liable to a penalty not exceeding ten dollars or to imprisonment for any term not exceeding one month.

(3.) It shall be necessary, before any such immigrant can be convicted for any offence under this section, to prove that such immigrant had previously agreed to serve as a watchman.

Absence from work, &c.

109.—(1.) Every indentured immigrant who—

(*a.*) Without lawful excuse, absents himself from work; or

(*b.*) Having been directed by some duly authorized person to attend at a specified time and place for the performance of any particular work, refuses or neglects so to attend; or

Schedule: Form No. 13.

(*c.*) Refuses or neglects to begin or to finish any particular work which he has been directed by some duly authorized person to perform,

shall be liable to a penalty not exceeding ten dollars or to imprisonment for any term not exceeding one month.

(2.) It shall be sufficient for the purposes of this section if any direction herein referred to is given on the afternoon or evening of the day before or on the same day on which the work is required to be performed.

Excuse of physical incapacity for absence from work, &c.

110. No immigrant shall be convicted under the last preceding section if he was at the time physically unfitted to perform work or to perform the work assigned to him, or if the work assigned to him was of such a description or extent, or was assigned in such a manner or for such a rate of wages, as to be contrary to any provision of this Ordinance, or if the work has been unduly thrown out, or if any wages due on account of the work have been unlawfully withheld, or if he is entitled to the benefit of the proviso of section 95.

Minor offences by indentured immigrant.

111. Every indentured immigrant who—

(1.) Is drunk in or about the buildings of the plantation, or while employed on any work; or

(2.) Is drunk during any time in which he is required to be at work; or

(3.) Is guilty of any fraud or wilful deception in the performance of his work; or

(4.) Uses to his employer, or to any person placed by him in authority on the plantation, any abusive or insulting word or gesture,

Schedule: Form No. 14.

shall be liable to a penalty not exceeding five dollars or to imprisonment for any term not exceeding fourteen days.

More serious offences by indentured immigrant.

112. Every indentured immigrant who—

(1.) Uses to his employer, or to any person placed by him in authority on the plantation, any threatening word or gesture; or

(2.) By negligence, carelessness, or other improper conduct endangers, damages, or causes or suffers to be endangered or damaged, or sells any property of his employer, (and in any proceeding for a breach of this provision it shall not be necessary to state or prove the name of such employer); or

Schedule: Form No. 15.

(3.) Hinders or molests any other immigrant in the performance of his work; or

(4.) Persuades or attempts to persuade any other immigrant unlawfully to refuse, absent himself from, or desist from work,

shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment for any term not exceeding two months.

Keeping of Register of Cases before Magistrate. Schedule: Form No. 16.

113. Every manager of a plantation on which there are indentured immigrants shall keep a Register of all Cases under this Ordinance in which he is concerned before the Magistrate.

Prohibition of keeping of shop on or near plantation by manager, &c.

114.—(1.) No shop shall be kept by any manager, overseer, driver, ranger, or other officer of any plantation, either upon such plantation or within five miles thereof.

(2.) If any shop is so kept by or for the profit of any such manager or by or for the profit of any of his subordinate officers with his permission, connivance, or knowledge, such manager shall be liable, on the complaint of the Immigration Agent General, to a penalty not exceeding one hundred dollars; and every person, other than a manager, who actually keeps a shop in contravention of this section shall be liable to a penalty not exceeding forty-eight dollars.

Provisions with regard to Immigrants not under Indenture.

Duty of Person employing immigrant not under indenture.

115. No person shall employ any immigrant not under indenture until such immigrant has produced his certificate of exemption from labour, and every person who receives into his employment any such immigrant before he has endorsed on the certificate of exemption from labour produced by such immigrant his name and the day when such certificate was so produced shall be liable to a penalty not exceeding twenty-four dollars, one moiety whereof shall be paid to the informer.

Duties of manager of plantation on which are employed immigrants not under indenture.

116.—(1.) Every manager of a plantation shall be bound to enter in a book to be kept by him the name and description of every immigrant not under indenture employed on such plantation, and the amount of wages earned by each such immigrant in each week, and shall pay to each such immigrant the wages due to such immigrant for the work performed by him on such plantation.

(2.) Every manager of a plantation who contravenes this section, and every manager of a plantation on which any immigrant not under indenture performs any work for the benefit of the proprietor of the plantation before the name and description of such immigrant have been entered in such book, or before the certificate of exemption from labour held by such immigrant has been duly endorsed by such manager, shall be liable to a penalty not exceeding twenty-four dollars for each such immigrant who so performs any work, one moiety whereof shall be paid to the informer.

Other hirings of free immigrants.

117. The hiring, whether verbal or in writing, of any immigrant possessed of or entitled to a certificate of exemption from labour shall be subject to and governed by the provisions of any Ordinance now or hereafter to be in force regulating the hirings of servants in husbandry and other labourers, not being immigrants within the meaning of this Ordinance: Provided that no contract of any such immigrant shall be taken to be an indenture within the meaning of this Ordinance: Provided, also, that no hiring or contract for service of any such immigrant shall be taken to be a contract for more than one month certain from the time of entering into service, any express or implied agreement to the contrary notwithstanding.

PART IX.

Leave and Desertion.

Leave.

Obligationof Residence.

118. Every indentured immigrant shall be bound to reside on the plantation whereon he is under indenture.

Unlawful absence from plantation.

Schedule: Form No. 17.

119. Every indentured immigrant who—

(1.) Absents himself without leave from the plantation during the time in which he is required to be at work; or

(2.) Absents himself without leave from the plantation in such manner or for such time as to constitute a breach of the obligation of residence,

shall be liable, if a male, to pay a fine not exceeding ten dollars, and, if a female, to pay a fine not exceeding five dollars.

Right of immigrant to leave of of absence after certain amount of work done.

120.—(1.) Every indentured immigrant who has earned wages at the rate of at least one dollar and fifty cents per week during two consecutive weeks shall be entitled to leave of absence from the plantation at the rate of one day and night for every such undivided period of two weeks, and the employer shall, on the request of such immigrant, furnish him with a free pass accordingly for as many days as he may require and be entitled to have leave of absence for: Provided that no immigrant shall

be entitled to leave of absence, and no employer, except for special cause to be stated in the pass, shall be entitled to give leave to any indentured immigrant, for more than seven days at any one time, or for more than twenty-six days in any one year; and no pass extended for special cause shall be given for more than twenty-six days at any one time, or more than once to the same immigrant in any one year.

(2.) Every employer who—

(*a.*) Refuses a pass to which any immigrant is entitled; or

(*b.*) Gives a pass in excess of the limits allowed by this Ordinance; or

(*c.*) States in any pass extended as aforesaid a false, frivolous, or pretended cause for such extension,

shall be liable, on the complaint of the Immigration Agent General, to pay a fine not exceeding twenty-four dollars.

Leaving plantation for purpose of making complaint.

Schedule: Form No. 18.

121.—(1.) Any indentured immigrant who, having been refused a pass by his employer, absents himself from his plantation in order, on reasonable grounds, to make a complaint or lay an information against the employer or manager before the Magistrate, or to make any reasonable complaint of his treatment and to ask counsel of the Immigration Agent General or of any Immigration Agent, shall be entitled to receive from such Magistrate, Immigration Agent General, or Immigration Agent a certificate that such absence was for reasonable cause: Provided that no such certificate shall be given, or, if it is given, shall be valid, if the immigrant—

(*a.*) Has absented himself from the plantation with any weapon or any agricultural implement; or

(*b.*) Has absented himself from the plantation in company with more than five other immigrants.

(2.) No immigrant who possesses such a certificate, and who, on his return to the plantation, produces the same to his employer, shall be liable to be convicted under section 119 in respect of the day on which such certificate was granted, or in respect of such time before and after as may be necessary to allow of his free going and returning.

(3.) Where the Magistrate, Immigration Agent General, or Immigration Agent is of opinion that such complaint is ill-founded or frivolous, he shall so certify in writing to the employer.

Desertion.

Desertion.

Schedule: Form No. 19: Form No. 20.

122.—(1.) If any indentured immigrant without leave absents himself for seven days from the plantation whereon he is under indenture, he shall be taken to be a deserter from the plantation; and the manager shall thereupon prefer a charge against him in that behalf before the Magistrate and apply for a warrant for his apprehension.

(2.) Such warrant shall be granted free of cost, and shall be directed to all constables.

(3.) A copy of such warrant shall be forwarded by the Magistrate to the Inspector General of Police within seven days from the day on which such charge is made, and any copy thereof, certified under the hand of the Inspector General of Police, shall be executable in the same manner as the original warrant.

Default by manager in not preferring charge against deserter.

123.—(1.) Every manager who does not prefer a charge in the proper form before the Magistrate against an indentured immigrant who has deserted within fourteen days after such immigrant has become a deserter shall be liable, on the complaint of the Immigration Agent General, to pay a fine not exceeding twenty-four dollars, and shall, in addition to such fine, pay an absolute accumulating fine of twenty-four cents for every day of such default.

(2.) No entry shall be made in the Register of Defaulters in respect of any desertion or in respect of any imprisonment for desertion of any immigrant where the manager has not preferred such charge against the immigrant for such desertion within such time.

Punishment of deserter

124. Every indentured immigrant who deserts from his plantation shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment for any term not exceeding two months, or to both such penalty and imprisonment.

Supplemental Provisions.

Loss of original charge for desertion.

125. If the original charge for desertion made against an indentured immigrant is lost or mislaid, the Magistrate may proceed to deal with the case on the original warrant or on any copy thereof certified by the Inspector General of Police.

Keeping of Registers of Absences on Leave and Desertions. Schedule: Form No. 21: Form No. 20.

126.—(1.) The manager of a plantation on which there are indentured immigrants shall keep a Register of Absences on Leave, and shall enter therein every pass granted by him to an indentured immigrant and every leave of absence granted verbally to an indentured immigrant which extends over the night.

(2.) He shall also keep a Register of Desertions, and shall enter therein every desertion of an indentured immigrant from the plantation.

Apprehension of immigrant suspected of being absent without leave.

127.—(1.) Every police constable may, without warrant, stop any immigrant whom he may have cause to suspect of being absent from his plantation without leave, and may require him to show his certificate of exemption from labour or a pass signed by his employer.

(2.) If the immigrant does not produce any such certificate or pass, the police constable may thereupon take him into custody and carry him, if in Georgetown, to the Immigration Agent General, or, if elsewhere than in Georgetown, to the Immigration Agent or to the nearest Police Station, and if the immigrant is ascertained to be under indenture to any employer, the police constable shall communicate with the employer, and the immigrant shall be detained in custody until he can be charged before the Magistrate of the District in which his plantation is situate, or until he gives security for his appearance to answer such charge: Provided that, if the employer so requires, the police constable shall cause the immigrant to be re-conducted to his plantation: Provided, also, that the Immigration Agent General or any Immigration Agent may, without warrant, place in custody any immigrant who is known or suspected by him to be a deserter or absent from his plantation without leave, or who refuses to return to his plantation when ordered to do so by the Immigration Agent General or an Immigration Agent; and any such immigrant shall be dealt with in the same manner as an immigrant who is taken into custody and brought to the Immigration Agent General or to an Immigration Agent by a police constable under this section.

Refusal of immigrant apprehended to give information.

128. If any immigrant, on being brought to the Immigration Agent-General, or to an Immigration Agent, or to a Police Station by any police constable, wilfully refuses to give his name or the name of the ship in which he was introduced into the Colony, or any other information that may reasonably be required by the Immigration Agent General, or by the Immigration Agent, or by the police constable in charge of the Police Station, for purposes of identification, he shall be liable to a penalty not exceeding five dollars or to imprisonment, with or without hard labour, for any term not exceeding fourteen days.

Absence without leave from Depôt.

129. If any indentured immigrant, while an inmate of the Immigration Depôt, without leave absents himself therefrom for seven days, he shall be taken to be a deserter, and the Immigration Agent General shall thereupon prefer a charge against him in that behalf before the Magistrate and apply for a warrant for his apprehension. Such warrant shall be granted in the same manner as is hereinbefore provided with respect to a deserter from a plantation.

Employment of indentured immigrant by person not entitled to his services.

130.—(1.) Every person who, not being entitled to the services of such immigrant under this Ordinance,—

(*a.*) Employs or knowingly harbours any indentured immigrant; or

(*b.*) Induces or attempts to induce any indentured immigrant to leave off work or to quit his plantation against the will of his employer,

shall be liable to pay a fine not exceeding forty-eight dollars, and, in the case of employment, in addition to such fine, to pay to the employer entitled to the services of such immigrant, by way of damages, at the rate of one dollar for every day on which such immigrant may have been so employed.

(2.) If the person charged is the manager of a plantation, it shall be sufficient to support a conviction under this section to prove that such immigrant has been employed thereon in the service of such manager.

Disposal of indentured immigrant on release from custody.

131. When any indentured immigrant who has been arrested by a police constable or imprisoned is entitled to be discharged from custody or from prison, he shall without delay be conveyed by a police constable to the plantation whereon he is under indenture; and every such immigrant may be kept in custody while he is being so conveyed and until he can be so taken to the plantation: Provided that, if required by the Immigration Agent-General or any Immigration Agent, he may be taken to the Immigration Office or to the Office of any Immigration Agent.

132.—(1.) When any indentured immigrant is brought to the plantation whereon he is under indenture by any police constable, the manager of the plantation shall be bound to give to the police constable a certificate, stating the time when such immigrant was so brought. Giving of certificate as to indentured immigrant brought in custody to plantation.

(2.) Every manager who refuses or neglects to give such certificate shall be liable, on the complaint of the Inspector General or an Inspector of Police, to pay a fine not exceeding five dollars. Schedule: Form No. 23.

133.—(1.) When any indentured immigrant who has deserted from the plantation whereon he is under indenture voluntarily returns to the plantation, the manager of the plantation shall report the fact to the police constable in charge of the Police Station nearest to the plantation. Reporting of indentured immigrant voluntarily returning to plantation.

(2.) Every manager who neglects to do so for seven days after such return shall be liable, on the complaint of the Inspector General or an Inspector of Police, to pay a fine not exceeding five dollars.

134. If any male indentured immigrant is absent from work without lawful excuse on twelve days in any one month or in any two consecutive months, he shall be deemed an habitual idler, and shall be liable to imprisonment for any term not exceeding three months. Habitual idler. Schedule: Form No. 24.

135. The Superintendent of the Penal Settlement and the Keeper of every Prison shall report in writing to the Immigration Agent General when any immigrant who was under indenture at the time of his arrest for the crime or offence of which he has been convicted is discharged from any cause before the time at which his sentence would have expired, or when any such immigrant is imprisoned for a longer period of time than the time that was mentioned in his sentence in consequence of such immigrant not completing the proper number of tasks, or otherwise; and such Superintendent or Keeper shall forward such report as soon after the event as may be practicable. Reporting of indentured immigrant on release from prison.

136.—(1.) The Immigration Agent General or the Immigration Agent in each District shall keep a separate Register of Defaulters for each plantation whereon there are any indentured immigrants. Keeping of Register of Defaulters.

(2.) The name and description of every indentured immigrant on the plantation who is sentenced to imprisonment, or who is convicted of desertion on a charge preferred in due time, shall be entered in such register. Schedule: Form No. 25.

137. Whenever any employer alleges that an indentured immigrant has been imprisoned or has deserted, and produces to the Immigration Agent General or to an Immigration Agent a certificate, signed by the Magistrate or other proper officer, that such immigrant has been sentenced to imprisonment or has been convicted of desertion on a charge preferred in due time, then, (but in no other case) the Immigration Agent General or an Immigration Agent shall make an entry in the Register of Defaulters of the facts stated in such certificate, and shall date such entry with the date when the same was made by him, and shall sign or initial the same, and shall also so date and sign or initial the certificate so produced, and thereafter return it to the employer: Provided that the Immigration Agent General or an Immigration Agent may, before making any such entry, require proof as to the identity of the immigrant referred to in such certificate. Making of entries in Register of Defaulters.

138. The Immigration Agent General or an Immigration Agent shall, from time to time and as often as may be necessary, correct the entries in the Register of Defaulters, so that such entries shall accurately state all the periods to be excluded in reckoning the term of service of each immigrant under indenture: Provided that the Immigration Agent General or an Immigration Agent shall not obliterate any previous entry made in the Register of Defaulters, either by himself or any other person, and shall date every entry with the date when the same was made, and shall sign or initial the same. Correction of Register of Defaulters.

PART X.

Marriage, Divorce, &c.

139. In this Part, unless the context otherwise requires, the term "Immigrant" means any person introduced or coming into this Colony from Asia, whether directly or indirectly, and whether wholly or in part at the expense of the Immigration Fund or otherwise, and includes any descendant of such a person. Interpretation of term "immigrant" in Part X.

Marriage.

Keeping of Register of Married Immigrants arriving in the Colony.

Schedule: Form No. 26.

140.—(1.) The Immigration Agent General shall keep a Register of Immigrants who may be found to be married at the time of their arrival in this Colony.

(2.) In such register the number of any registration shall be the same for the husband and the wife, and shall be continued in regular sequence.

Registration of married immigrants on arrival.

Schedule: Form No. 27.

141.—(1.) When any ship with any immigrants on board arrives in this Colony, the Immigration Agent General shall inquire whether any of such immigrants stand in the relation of husband and wife to each other; and if he is satisfied, by the statements of the parties themselves and by such other information as he may be able to procure, that the parties ought to be regarded and dealt with as husband and wife, he shall thereupon cause an entry to be made accordingly in the register mentioned in the last preceding section.

(2.) The Immigration Agent General shall at the same time deliver to each of the parties a certificate of marriage.

(3.) The persons so registered as husband and wife shall be deemed to be married, unless it is shown that the parties are so nearly related by blood that a marriage between them was unlawful.

(4.) The provisions of this and the last preceding section shall apply, with the necessary modifications, to the case of a male immigrant and a female immigrant arriving in this Colony in different ships and alleging that they were married before their arrival.

Exemption from fee for registration.

142. No fee shall be payable for the registration of any marriage under the provisions of the last preceding section or for any certificate granted thereunder.

Keeping of Register of Marriages of Immigrants contracted in the Colony.

Schedule: Form No. 28.

143.—(1.) The Immigration Agent General shall keep a Register of Marriages of Immigrants contracted in the Colony.

(2.) In such register the number of any registration shall be the same for the husband and the wife, and shall be continued in regular sequence.

Marriage of Christian immigrants.

144. With reference to the marriage of Christian immigrants the following provisions shall have effect:—

(1.) An immigrant who, at the time of his or her arrival in this Colony, professes Christianity shall, immediately upon such arrival; and

(2.) An immigrant who, at any time after his or her arrival in this Colony, is converted to Christianity shall, immediately upon such conversion,

as to capacity or incapacity to contract marriage, and the conditions subject to which, and the manner in which, marriage may be contracted, be subject to the general law of the Colony.

Prohibition of certain marriages.

145. No marriage shall be contracted under this Ordinance, or, if so contracted and registered, the same shall be null and void *ab initio*, where it is shown that either of the parties has, or had at the time of such contracting and registration, a wife or husband alive, or where either party is directly descended from the other, or where the female is a sister of the male, either by the full or the half-blood, or where the male is a brother of the female, either by the full or the half-blood.

Notification of Intended Marriage.

146.—(1.) Where a male immigrant, not being under fifteen years of age, and a female immigrant, not being under thirteen years of age, wish to contract a marriage, they may signify such wish to the Magistrate of the District in which they reside.

(2.) The Magistrate shall thereupon call upon the parties to produce a certificate, signed by the Immigration Agent General, to the effect that there does not appear from the records of the Immigration Department to be any impediment to the intended marriage.

Schedule; Form No. 29.

(3.) If such certificate is produced, the Magistrate shall call upon the parties to sign a notice, which shall be furnished to them free of charge by the Magistrate, and shall contain a declaration by the parties that, to the best of their belief, there exists no lawful impediment to their marriage, and, if the female is under fifteen years of age, that the consent of her father, if alive and in the Colony, or, if he is dead, of her mother, if alive and in the Colony, or, if her father and mother are both dead or absent from the Colony, of the Immigration Agent General, has been obtained.

(4.) The Magistrate shall thereupon give public notice of the intended marriage by posting up the notice for three weeks in a conspicuous place at the Court House nearest to the place of residence of the parties or of one of them, and by publicly reading the same upon each day during the said three weeks upon which he holds a Court at such Court House: Provided that, if such Court is held more than once a week, it shall be sufficient if the notice is read on one day during each of the said three weeks.

(5.) If the parties reside in different Judicial Districts the proceedings mentioned in this section shall be taken in each District.

Grounds of objection to proposed marriage.

147. No objection shall be admitted to any marriage proposed to be contracted under this Ordinance unless it is shown, to the satisfaction of the Magistrate, that either of the parties thereto has a wife or a husband still living; or that the parties stand in any of the degrees of relationship within which it is hereinbefore declared to be unlawful for persons to celebrate marriage; or, in the case of a male, that he is under fifteen years of age, or, in the case of a female, that she is under thirteen years of age, or, if she is under fifteen years of age, that the consent mentioned in the last preceding section has not been obtained.

Making and decision of objection to proposed marriage.

148.—(1.) Any person who desires to make objection to an intended marriage, of which notice has been given as hereinbefore provided, must make such objection to the Magistrate before the expiration of the aforesaid period of three weeks.

(2.) If any such objection is made, the Magistrate shall, immediately on the expiration of the said period of three weeks, fix a day for the hearing of such objection, and shall cause notice thereof to be given to the parties who have given the notice of marriage; and at such hearing the person making the objection shall be bound to prove the existence of the alleged impediment to the marriage.

(3.) If either party makes application for a review of the decision on such objection, the Magistrate shall defer the granting of any certificate as hereinafter mentioned until such review has been disposed of in due course of law.

Marriage after publication of notice.

149.—(1.) Within six months after such publication has been made, and not afterwards, and if no valid objection is pending or has been allowed to the intended marriage, the parties may appear before the Magistrate or either of the two Magistrates in whose Districts publication has been made, as the case may be, and the Magistrate shall, on being satisfied of their identity and that publication of notice of their intended marriage has been duly made, declare the parties to be husband and wife, and shall deliver to each of them a certificate of marriage.

Schedule: Form No. 30.

(2.) Within twenty-four hours after delivering such certificate, the Magistrate shall transmit a copy thereof to the Immigration Agent General, and, in default of his so doing, he shall be liable, on the complaint of the Immigration Agent General, to a penalty not exceeding forty-eight dollars.

(3.) On receipt of the copy of such certificate, the Immigration Agent General shall cause an entry of the marriage to be made in the Register of Marriages of Immigrants contracted in the Colony.

Marriage after publication of banns.

150.—(1.) Where an immigrant desires to be married by a Minister of the Christian Religion after publication of banns, he or she shall cause to be delivered to the Minister a certificate, signed by the Immigration Agent General, to the effect that there does not appear from the records of the Immigration Department to be any impediment to the intended marriage, and the Minister shall not publish the banns until he receives the certificate.

(2.) The Minister shall retain the certificate and shall, within twenty-four hours after the marriage has been solemnized, endorse on the certificate the date and place of marriage, with his signature thereto, and forward the same to the Immigration Agent General.

(3.) Every Minister who offends against the provisions of this section shall be liable to a penalty not exceeding forty-eight dollars: Provided that no complaint shall be brought for the recovery of any such penalty without the sanction in writing of the Immigration Agent General.

Marriage according to religion and personal law.

151.—(1.) A marriage contracted after the commencement of this Ordinance between a male immigrant, not being under fifteen years of age at the date of the marriage, and a female immigrant, not being under thirteen years of age at the date of the marriage, both of whom, at the date of the marriage, are free from any disability mentioned in section 145, profess the same religion, not being the Christian

Religion, and are subject to the same personal law, shall, if contracted according to the religion and personal law of such immigrants and registered under this Ordinance, be deemed to be valid as from the date of such marriage: Provided that, before any such marriage is contracted, the parties thereto shall first obtain a certificate, signed by the Immigration Agent General, to the effect that there does not appear from the records of the Immigration Department to be any impediment to the intended marriage; and no such marriage shall be deemed to have been duly contracted unless such certificate has been first obtained.

(2.) If the marriage referred to in any such certificate is not contracted within three months from the date of the certificate, the certificate shall, on the expiration of the said period, become null and void.

Registration of marriage contracted according to religion and personal law.

152.—(1.) Within seven days after the celebration of a marriage contracted according to religion and personal law, the parties to such marriage, or one of them, shall deliver to the Immigration Agent for the District in which they reside a certificate thereof.

(2.) If default is made in delivering such certificate within the time aforesaid, each of the parties to the marriage shall be liable to a penalty not exceeding twenty-four dollars.

Schedule: Form No. 31:

(3.) The Immigration Agent shall forthwith transmit such certificate to the Immigration Agent General.

(4.) On receipt of such certificate, whether within the time aforesaid or otherwise, and on satisfying himself—

(*a.*) That the requirements of the last preceding section have been complied with; and

(*b.*) That, in the case of a female under fifteen years of age, the person acting as guardian was entitled so to act,

the Immigration Agent General shall cause an entry of the marriage, with the necessary modifications of the particulars of such entry, to be made in the Register of Marriages contracted in the Colony, and shall forthwith transmit to each of the parties a certificate of such registration.

Form No. 32.

Making of inquiry as to contracting of marriage.

153. Whenever the Immigration Agent General issues a certificate under section 151 and does not, within three months and seven days thereafter, receive from or on account of the parties mentioned therein, or one of them, the certificate mentioned in the last preceding section, it shall be his duty to make inquiry into the matter, and, if necessary, to make a complaint against the parties who have made default in respect of such last-mentioned certificate.

Property of Married Immigrants.

Protection of property of woman deserted by her husband.

154.—(1.) If any female immigrant is deserted by her husband, being an immigrant, the Magistrate of the District in which she resides shall, on application made by her or on her behalf, and on being satisfied of the fact of such desertion, and that the same was without reasonable cause, and that the woman is maintaining herself by her own industry or property, give to the woman an order protecting her earnings and property acquired since the commencement of such desertion from her husband and from all creditors and persons claiming under him, and such earnings and property shall belong to the wife as if she were a single woman.

(2.) The Magistrate shall cause a notice of every such order to be posted up for fifteen days in a conspicuous place at the Court House nearest the place in which such woman resides, and the husband or any person claiming under him may, during such fifteen days, apply to the Magistrate to annul the order.

(3.) If any such application is made, the Magistrate shall hear the same and shall make such order thereon as may be just.

Protection of property of man deserted by his wife.

155.—(1.) If any female immigrant deserts her husband, being an immigrant, and cohabits with another man, the Magistrate of the District in which the husband resides shall, on application made to him by or on behalf of the husband, summon the woman and the alleged adulterer before him, and, on being satisfied of the fact of such desertion and cohabitation, give to the husband an order protecting his earnings and property acquired since the commencement of such desertion from his wife and from all creditors and persons claiming under her, and such earnings and property shall belong to the husband as if he were a single man.

(2.) The woman shall forfeit, from the date of such order, all moveable property given to her by her husband, and shall further forfeit all right to the community of property resulting from her marriage, and the husband shall not be liable for any debt which she may contract during such desertion: Provided that, if such desertion is afterwards condoned by the husband, any order made under the provisions of this section shall thereupon *ipso facto* become annulled, and the community of property shall take effect and subsist anew from the date of such condonation.

Division of property of married immigrants.

156.—(1.) Where a male immigrant and a female immigrant who are married to each other, or who have cohabited together, cease to cohabit, and either of them desires that the property to which they or either of them are or is entitled should be divided, it shall be lawful for the Magistrate of the District in which such immigrants reside, on application made to him by or on behalf of either of such immigrants, to summon such immigrants before him and any witnesses they or either of them may desire to be examined, and to make such order for the division of the property as may be just.

(2.) Any person, being a party to such proceedings, who refuses or neglects to comply with the terms of such order shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month.

(3.) If, after the making of any such order, any such person refuses or neglects to comply with the terms thereof, the refusal or neglect to comply therewith for a period of seven days shall be deemed a fresh offence, and so on *toties quoties*.

(4.) Where a male immigrant and a female immigrant have cohabited together, without having been married, and one of them dies intestate during the period of cohabitation, it shall be lawful for the Immigration Agent General, in the case of the death of an indentured immigrant, or of an immigrant not under indenture dying in any Hospital, Asylum, Prison, or other Public Institution of whatever kind, and being in possession of moveable property not exceeding in value the sum of ten dollars, and for the Administrator General, in the case of the death of any other immigrant not under indenture, to assign to the survivor for his or her absolute use and benefit such share, not exceeding one-half, of all the property, moveable and immoveable, belonging to the estate of the deceased immigrant which has been acquired by their joint earnings, or to the acquisition of which the survivor has contributed, as, after due inquiry and consideration, may appear just.

(5.) Every decision under the last preceding sub-section shall be final, and the Immigration Agent General or the Administrator-General, as the case may be, shall have full power and authority to do all things necessary, including the power to transport immoveable property, for placing such survivor in possession of the share of such property so assigned.

Protection of Wives of Immigrants, &c.

Apprehension and punishment of male immigrant threatening his wife.

157.—(1.) Where any male immigrant threatens to murder, wound, beat, or ill-treat his wife or any woman with whom he may have cohabited or may desire to cohabit, a Magistrate or Justice of the Peace shall, on being informed thereof and on being satisfied that there is reason to apprehend that bodily injury may be inflicted on such woman, forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats.

(2.) Any immigrant who uses any such threats may be forthwith arrested by any police or rural constable, and may be detained in custody until a warrant can be obtained for his apprehension.

(3.) Every immigrant who uses any such threats shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month, and, on a second or any subsequent conviction, to imprisonment, with or without hard labour, for any term not exceeding six months.

Transfer of immigrant in case of danger from jealousy.

158.—(1.) Where it is proved, to the satisfaction of a Magistrate, that there is reason to apprehend that an immigrant on a plantation may, from motives of jealousy, inflict bodily injury on any woman, and that it is expedient, on account of such jealousy, to remove from any plantation any immigrant under indenture on such plantation, it shall be lawful for the Magistrate to direct that such last-mentioned immigrant shall be removed to some other plantation, and that the indenture shall be transferred.

(2.) Every immigrant so ordered to be removed may be detained in custody until his transfer to some other plantation.

Proceedings where injury to woman is apprehended.

159.—(1.) Where a Magistrate is informed, or where in any proceeding whatever it appears to a Magistrate, that there is reason to apprehend that any immigrant may inflict bodily injury on any woman, the Magistrate may, if he thinks fit, forthwith issue his warrant for the apprehension of such immigrant, and shall, whether he issues such warrant or not, make full investigation as to the circumstances of the case.

(2.) The Magistrate may order any such immigrant to be detained in custody until the Immigration Agent General can take such action as may be necessary.

(3.) The Immigration Agent General may at any time, for the reason above-mentioned and whether after or without any proceeding taken by a Magistrate, order any indentured immigrant to be removed from a plantation, and any such order shall be deemed to authorize the detention in custody of the immigrant until he can be removed and his removal in custody: Provided that no immigrant shall be detained under this section for more than fourteen days

Punishment of person enticing away wife of immigrant, &c.

160. Every person who entices away or cohabits with the wife of an immigrant, or who unlawfully harbours the wife of an immigrant who has left her husband without just cause, shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment, with or without hard labour, for any term not exceeding three months, or to both such penalty and imprisonment, and, on a second or any subsequent offence, shall be deemed guilty of a misdemeanour and be punishable accordingly: Provided that no person shall be convicted under this section for cohabiting with the wife of an immigrant if he establishes, to the satisfaction of the Magistrate or Court before whom he is tried, that the wife was deserted by her husband, or that the husband compelled her to leave his house, or that such cohabitation was with the knowledge and consent of the husband.

Copy of proceedings for the Immigration Agent General.

161. In any case arising under either of the last four preceding sections the Magistrate shall, as soon as the proceedings are concluded, or sooner if he thinks fit, transmit a copy thereof to the Immigration Agent General, who shall thereupon take such action as the circumstances of the case may allow and require.

Divorce.

Proceedings for divorce of immigrants.

162.—(1.) Where immigrants are married and one of them is guilty of misconduct entitling the other to a divorce, it shall be lawful for the spouse so entitled to a divorce to apply to a Magistrate for an order dissolving the marriage.

(2.) The Magistrate shall, on receiving any such application, summon before him the parties, and such witnesses as they may desire to be examined, and any persons whom the Magistrate may think it expedient to examine, and the Magistrate shall reduce the statements on oath of the parties and the witnesses into writing, and shall transmit such application and statements to the Registrar of British Guiana, in order that they may be laid before the Chief Justice for his decision.

(3.) On such application and statements being laid before him, if it appears that the party applying for divorce is entitled thereto, the Chief Justice may deal with the application in a summary way and may make an order dissolving the marriage.

(4.) The Chief Justice may require the Magistrate to take further evidence on the application and transmit the same to the Registrar, or may require the parties to appear before him and produce such evidence as may be necessary.

(5.) On any such application and statements being laid before him, the Chief Justice shall have the same powers as the Supreme Court in its civil jurisdiction would have in an action in the said Court for the dissolution of the said marriage, and may make any such order, on the same terms and with the same conditions, as the said Court might have made.

(6.) Every order dissolving a marriage made under this section shall have the same incidents and the same effect as a judgment of the said Court.

(7.) The fee payable in respect of any such proceedings shall be the sum of twenty-four dollars, and such fee shall include all charges in the Office of the Registrar.

(8.) The said fee shall be payable on making the application to the Magistrate: Provided that nothing in this section shall affect the right of any person to apply to be allowed to sue *in formâ pauperis*.

(9.) The provisions of this section shall only apply to marriages contracted or registered under the provisions of Ordinance No. 10 of 1860 or of this Ordinance.

163. Immediately on the making of an order under the last preceding section, the Registrar shall transmit a copy thereof to the Immigration Agent General, who shall cause it to be entered in a Register of Divorces of Immigrants to be kept by him. Keeping of Register of Divorces of Immigrants, Schedule: Form No. 33.

Offences.

164. Every person who knowingly and wilfully inserts, or causes or permits to be inserted, in any register kept under this Part any false entry of any matter relating to any marriage or divorce shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years. Punishment of person making false entry in register.

165. Every person who makes, signs, or attests any declaration or certificate by this Part required or authorized to be made or given containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years. Punishment of person signing false declaration or certificate.

166. Every person who forges or alters in any material particular, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered in any material particular, any certificate by this Part required or authorized to be given, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years. Punishment of person forging certificate.

Supplemental Provisions.

167. An entry, whether purporting to be an original entry or not, in any register kept under this Part shall be conclusive evidence, until the contrary is proved, of the marriage or divorce of the parties to whom the entry relates, and also of the date of such marriage or divorce, if the same is specified in the entry. Proof of marriage or divorce.

168.—(1.) Where any entry is by this Part required to be made in any register, *primâ facie* evidence may be given of such entry in any Court of Justice and in any legal proceeding by production of a writing purported to be certified by the Immigration Agent General to be a true copy of such entry. Use as evidence of entry in register and of certificate.

(2.) Where any certificate is by this Part required or authorized to be given, *primâ facie* evidence of such certificate may be given in any Court of Justice and in any legal proceeding by production of a certificate apparently in accordance with this Part, and purporting to be signed as required by this Part.

(3.) No proof shall be required of the handwriting or official position of the person signing any such certificate.

(4.) Every certificate given under this Part shall be *primâ facie* evidence of any fact therein certified.

(5.) The provisions of this section shall be deemed to be in addition to, and not in derogation of, any powers of proof under any existing law.

169. If the Immigration Agent General refuses to register any marriage or divorce under this Part, any person aggrieved by such refusal may apply by petition to the Chief Justice to have such registration made, and on such application, if it appears that the registration ought to be made, the Chief Justice shall order the Immigration Agent General to make such registration, and may make such order as to costs as may seem just. Appeal where registration is refused.

170. Where registration under this Ordinance has been made of any marriage or divorce, any person aggrieved by such registration may apply to the Chief Justice to have such registration cancelled, and on such application, if it appears that the registration ought not to have been made, the Chief Justice shall order the Immigration Agent General to cancel such registration, and may make such order as to costs as may seem just. Cancellation of registration.

171.—(1.) Any application to the Chief Justice under this Part and the subsequent proceedings thereupon shall be as prescribed by any general orders made by the Chief Justice under this Part, or, if no such orders are made and subject to such orders, if any, the application shall be by motion, and the subsequent proceedings shall be in accordance with the usual practice of the Supreme Court on motions. Procedure on application to the Chief Justice.

(2.) All general orders made by the Chief Justice under this section shall be published in the Gazette.

(3.) The production of a copy of the Gazette purporting to contain any such orders shall be *primâ facie* evidence of the due making and tenor of such orders.

Right of appeal from Magistrate's Order.

172. Every order of a Magistrate made under this Part shall be subject to the review provided by the Summary Jurisdiction Ordinances.

See Ordinance No. 13 *of* 1893.

Furnishing of certified copy of entry in register.

173. It shall be lawful for any person, on the production of a receipt for the sum of one dollar from the Receiver General's Office, to have a true copy, certified under the hand of the Immigration Agent General, of any entry made in any register kept under this Part: Provided that a public officer shall not be required to pay for any such certified copy required by him in his capacity as such public officer.

Registration of existing marriages contracted according to religion and personal law.

174. During a period of twelve months after the commencement of this Ordinance and subject, so far as they can be made applicable, to the provisions of this Part, the Immigration Agent General may register any marriage contracted in this Colony between immigrants according to their religion and personal law before the commencement of this Ordinance; and the provisions of this Part shall, with any necessary modifications, apply to any such marriage so registered in the same manner as if it had been contracted after the commencement of this Ordinance.

PART XI.

Transfer and Determination of Indentures.

Declaring of indenture void in case of death or disability of immigrant within six months after allotment.

175. If, within six months after the allotment of any indentured immigrant, he dies, or it appears that he has any such disease or other disability as may render him permanently unable to perform service under indenture, and if the employer sends to the Immigration Agent-General a certificate of the death, disease, or disability of such immigrant under the hand of the Government Medical Officer of the District, specifying the particulars of such death, disease, or disability, the Immigration Agent-General may declare the indenture of such immigrant void; and the indenture fee paid in respect of such immigrant shall thereupon become repayable to the employer out of the Immigration Fund.

Computation of commutation money.

176. The commutation money payable under this Ordinance on the determination or transfer of the indenture of any immigrant shall be calculated at the rate, for every year or portion of a year remaining unexpired of such indenture, of one-fifth of the indenture fee which may have been paid by the employer in respect of such indenture, together with interest thereon at the rate of five per cent. per annum since the commencement of the indenture; and all such commutation money shall be paid into the Immigration Fund, and shall be payable thereout to the employer: Provided that if any immigrant wishes to determine his indenture within one year after arrival, he shall pay the whole cost of his introduction.

Commutation by husband or wife.

177. Any indentured immigrant who is married to a wife or husband indentured on another plantation shall be entitled, upon giving three months' notice to the employer, to determine his or her own indenture on payment of the commutation money; and if the employer of such wife or husband, on the request of the commuting immigrant, advances the commutation money, the commuting immigrant may be re-indentured to such employer for a period equal to the unexpired remainder of the indenture so commuted.

Commutation by mother of minor.

178. On the termination of the indenture of any female immigrant, whether by expiration of time, by commutation, or otherwise, she shall be entitled to remove with her from the plantation her minor and infant children, on payment of the commutation money for any such minor under indenture in respect of whose indenture the employer may have paid any indenture fee; and if such female immigrant so removes in order to become indentured to a new employer, and such employer advances, on her request, the commutation money of any such minor immigrant, the minor may be re-indentured to such employer for a period equal to the unexpired remainder of the indenture so commuted.

Determination of indenture by the Immigration Agent General on payment of commutation money.

179. The Immigration Agent General may, with the sanction in writing of the Governor, at any time determine the indenture of any immigrant on paying to the employer of such immigrant the commutation money: Provided that the Immigration

Agent General may, with the like sanction, indenture the immigrant to any other employer who may be willing to accept his services for a term equal to the period of time of the previous indenture remaining unexpired at the time of its determination.

Transfer of immigrants.

180. If at any time it appears to the Governor, on sufficient ground shown to his satisfaction, that all or any of the immigrants indentured on any plantation should be removed therefrom, it shall be lawful for him to transfer the indentures of such immigrants for the remainder of their respective terms of service to any other employer who may be willing to accept their services, on payment of the commutation money, or, with the consent of the last employer, without such payment.

Transfer of immigrant on determination of lease.

181. Every lessee of a plantation whose term of lease expires before the termination of the indenture of any immigrant indentured to him on such plantation shall be entitled to have such immigrant transferred for the unexpired remainder of his term of service to any employer, approved of by the Immigration Agent General, who may be willing to accept his services and to pay the commutation money: Provided that of any such employers the first option of having such transfer made to him shall lie with the lessor of the plantation.

Transfer of services of immigrant on sale, &c., of plantation.

182. In the event of any plantation on which an immigrant is under indenture being sold, either by private contract, or at execution sale, or by the Administrator General, or being leased, or devolving by inheritance, devise, or otherwise, such immigrant shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, administrators, or assigns, and for the same term, as he would have been bound to render to his original employer.

Other provisions as to transfer.

183. Other provisions relating to the transfer of immigrants are contained in Part VII. and Part X.

Permissible removal, temporary transfer, and determination.

184. The Immigration Agent-General may,—

(1.) On the request of any employer, allow all or any of the immigrants indentured to such employer on any plantation to be removed to any other plantation in the possession or under the management of the same employer; or

(2.) Allow any such immigrant to be temporarily transferred for any term, not exceeding twelve months, to any plantation the owner of which may be willing to accept his services, and during such term such immigrant shall be deemed to be indentured to such other employer for all the purposes of this Ordinance; or

(3.) On the joint request of any employer and his indentured immigrant, allow the indenture of such immigrant to be determined, with or without the payment of commutation money:

Provided that no such removal, transfer, or determination shall in any manner affect any lien of the Colony upon the original plantation, or the pecuniary liability of any employer to the Immigration Fund.

Determination of indenture for ill-treatment.

185. Upon report made by any Magistrate of the conviction of any employer by him under this Ordinance for ill-usage of an indentured immigrant or for the unlawful withholding of the wages of an indentured immigrant, the Governor shall have power to declare the indenture of such immigrant determined, and may thereupon direct the Immigration Agent General to re-indenture such immigrant for the remainder of his term of service to any other employer who may be willing to accept his services, and such other employer shall, if required, pay to the Immigration Fund, by way of indenture fee, the sum which would have been paid by such immigrant if he had commuted, and such sum shall be paid thereout to the former employer, if the Governor so orders.

Computation of duration of indenture.

186.—(1.) The indenture of an immigrant shall not determine by effluxion of time, unless the immigrant has fulfilled the legal obligations imposed on him by such indenture.

(2.) Every indenture of an immigrant, although it may purport to be for a fixed period of time, is hereby declared to be for a term of actual service equal in duration to the period of time for which the immigrant has become bound to serve under the indenture, and every such indenture shall continue in force until the immigrant has performed service thereunder for such term.

Exclusion of certain periods in computation of term of indenture.

187. In reckoning the term of service of any immigrant under indenture for the purpose of ascertaining the time when such indenture determines, all periods of time shall be excluded during which the immigrant may have been absent from his work for any of the following causes, that is to say,—

(1.) Imprisonment: Provided that imprisonment shall not, for the purposes of this section, include detention in respect of any proceeding which results in the acquittal or discharge of the prisoner, whether from want of prosecution or from any other cause; and

(2.) Desertion:

Provided that no indentured immigrant shall be deemed to have been absent from his work, within the meaning of this section, on account of any desertion, unless such immigrant has been duly convicted of such desertion: Provided, also, that this section shall not apply to any imprisonment or desertion which is not duly recorded in the Register of Defaulters.

Prohibition of other transfers, &c.

188. Except as in this Ordinance provided, no indenture shall be transferred or determined either by agreement between the employer and the immigrant or otherwise.

Recording of transfers and determinations.

189. The Immigration Agent General shall record every transfer, other than a temporary transfer, and every determination of an indenture, in the General Register of Immigrants introduced into the Colony, and shall deliver to the employer to whom any immigrant is transferred a new Indenture List, and such employer and immigrant shall thereupon be and be taken to be bound by such indenture accordingly.

PART XII.

Certificates of Exemption from Labour.

Granting of certificate of exemption from labour.

Schedule: Form No. 34.

190.—(1.) Every immigrant who may have completed or who may hereafter complete any term of service under indenture, whether entered upon before or after the commencement of this Ordinance, or whose indenture may have been duly determined or may hereafter be determined under this Ordinance, shall be entitled to receive from the Immigration Agent General, free of charge, a certificate of exemption from labour.

(2.) The Immigration Agent General shall record every such certificate in the General Register of Immigrants introduced into the Colony.

Granting of provisional certificate.

191. The manager of every plantation about to be officially visited by the Immigration Agent General shall give previous notice of such intended official visit to the immigrants on such plantation, and shall on every such visit produce before the Immigration Agent General every immigrant who, since the last of such visits, has completed his term of service under indenture, or who will, in the course of time within one month thereafter, complete the same, and the Immigration Agent General shall deliver to every such immigrant a certificate of exemption from labour, and shall, if necessary, endorse such certificate with the word "Provisional," and with the date at which such certificate will in the course of time become due.

Endorsement of provisional certificate by employer.

192.—(1.) So soon as any provisional certificate of exemption from labour has, either in the course of time or otherwise, become due, the immigrant may call upon his employer to endorse the same.

(2.) Every employer who refuses or neglects to endorse such certificate when the same is due and when he is called upon to do so, shall be liable to pay a fine not exceeding ten dollars, and, in addition to such fine, shall pay to the immigrant an absolute accumulating sum of twenty-four cents for every day of such default.

Granting of certificate to disabled immigrant.

193.—(1.) The Immigration Agent General may grant to any immigrant who is at any time, in his opinion, permanently disabled and unfit to perform service under indenture, and who is certified to be so by the Medical Inspector, a certificate of exemption from labour.

(2.) In every such case the cause of disability shall be specified in the certificate of the Medical Inspector.

PART XIII.

Passports and Return Passages.

194. Every Indian immigrant who has obtained or become entitled to a certificate of exemption from labour, and who is desirous of quitting the Colony, shall apply to the Immigration Agent General for a passport; and the Immigration Agent General shall, within one week from the date of such application, deliver to him, free of charge, a passport available for fourteen days from the date thereof, and shall register such passport in the Register of Passports; and the certificate of exemption from labour of such immigrant or his right to receive such certificate, as the case may be, shall thereupon be suspended. Granting of passport to Indian immigrant. Schedule: Form No. 35: Form No. 36.

195.—(1.) No immigrant shall quit or attempt to quit the Colony unless he has previously obtained a passport from the Immigration Agent General. Quitting the Colony without passport.

(2.) Every immigrant who contravenes this section shall be liable to a penalty not exceeding twenty-four dollars.

196. No passport shall be granted to any indentured immigrant, and no passport, except with the special permission of the Governor, shall be granted to any immigrant introduced into the Colony at the expense, either wholly or in part, of the Colony or of the Immigration Fund who has not resided in the Colony for at least five years after his introduction, unless such immigrant pays to the Immigration Agent General a sum equal to the entire cost of his introduction, and such sum shall be ascertained and determined by the Immigration Agent General. Limitations of right to passport.

197.—(1.) Every owner, master, or person in charge of any ship who receives or harbours on board such ship or elsewhere any immigrant who has not obtained a passport or whose passport has expired, with intent to carry such immigrant out of the Colony, shall be liable to a penalty of one hundred dollars for each such immigrant whom he may have so received or harboured, and, in default of payment of such penalty, to imprisonment, with or without hard labour, for any term not less than three months and not exceeding six months. Receiving on board ship of immigrant without passport with intent to carry him out of the Colony.

(2.) Such ship shall be liable and executable for the amount of the penalty imposed by the Magistrate on such owner, master, or person in charge, and such amount, with costs, may be recovered and realized by the sale of such ship, her tackle, apparel, and furniture, by the same process in execution as a judgment of the Supreme Court of British Guiana in its civil jurisdiction against the owners of such ship would be enforced, commencing with a summation, to be issued by the Provost Marshal, directed to the person convicted and the owners of such ship, without naming such owners, requiring them to pay such amount.

(3.) The charge for any offence under this section may be preferred by any person within two years after the commission of the offence. Schedule: Form No. 37.

198.—(1.) Every person who aids or abets the departure from the Colony of any immigrant who has not obtained a passport, or whose passport has expired, shall be liable to a penalty of one hundred dollars for each such immigrant whose departure he has so aided or abetted, and, in default of payment of such penalty, to imprisonment, with or without hard labour, for any term not less than three and not exceeding six months. Aiding Departure of immigrant without passport.

(2.) A moiety of any penalty recovered under the provisions of this or the last preceding section shall be paid to the informer.

199. Every Indian immigrant who has completed a continuous residence of ten years in the Colony and has during that time obtained or become entitled to a certificate of exemption from labour shall, if such immigrant desires to return to India, be entitled to be provided with a passage back to the port in India whence such immigrant sailed for this Colony, on payment of one-fourth of the passage money in the case of males and of one-sixth thereof in the case of females: Right of Indian immigrant to return passage.

Provided as follows:—

(1.) Every such immigrant who is destitute or disabled shall be entitled to a free passage;

(2.) The wife and every son and daughter of every such immigrant, and any person being an immigrant or the descendant of an immigrant who is dependent on any such immigrant, shall be entitled to a free passage,

if such wife, or son, or daughter, or other person sails from this Colony with her husband or his or her parent or with the person on whom he or she is dependent, as the case may be, but not otherwise;

(3.) Where any son or daughter of any Indian immigrant is a child under the age of twelve years, the Governor may refuse a return passage or a passage to India to such child, if it appears that it is desirable, in the interests of the child, that the child should remain in the Colony;

(4.) If the child of any Indian immigrant is under indenture upon which any indenture fee has been paid, he shall pay the commutation money to the employer of such child;

(5.) Every immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a return passage, whether wholly or partly at the expense of the Colony, notwithstanding he may have resided ten years in the Colony;

(6.) Nothing in this section shall affect the rights of immigrants who have been engaged on the terms of being entitled to a return passage wholly at the expense of the Colony;

(7.) The right to a return passage under this section shall be subject, in the case of every person who has previously proceeded to the Colony as an immigrant and has returned to India, to any condition made with him on his engagement in India that he shall have no right to a free or reduced return passage:

Provided, however, that the Immigration Agent General may, with the express sanction of the Governor, in any particular case and for special cause, relax any of the provisos of this section.

Granting of return passage to disabled Indian immigrant.

200. The Immigration Agent General may order any Indian immigrant who has received a certificate of exemption from labour under section 193 to be provided, if he so desires, at the expense of the Immigration Fund, with a return passage to the port in India whence he sailed for this Colony.

Inspection, &c., of ship with return immigrants.

201. Before the departure of any ship hired at the expense of the Colony having return immigrants on board, the Immigration Agent General, assisted by the Medical Inspector, or, in his absence or inability to act, by the Health Officer of the Port, shall inspect the ship and the immigrants, and ascertain whether the arrangements made for the passage and for the treatment of the immigrants on board are in conformity with the law, and shall make out a list of the immigrants on board such ship who are entitled to a return passage at the expense of the Colony, and shall deliver the same to the Surgeon Superintendent for the use of himself and the master of such ship, and shall certify upon such list the total number and description of the immigrants embarked, together with the state and condition of such immigrants, and that they have been provided with clothing suitable for the voyage.

Transmission of report of inspection to the Governor.

202. The Immigration Agent General shall transmit to the Governor his report on the inspection, and shall also require and transmit therewith the report of the Medical Officer who assisted in the inspection.

PART XIV.

Registers, Returns, and Certificates.

Half-yearly returns of deaths of immigrants in Public Institutions.

203. The Superintendent, Keeper, or other officer in charge of any Prison, Hospital, or other Public Institution of the Colony shall, on or before the twenty-first day of April and the twenty-first day of October in every year, make out and transmit to the Immigration Agent General a return of all immigrants who may have died while inmates of such Public Institution during the six months previous to such months of April and October respectively, and shall transmit therewith any certificate given under this Ordinance which may be found in the possession of any such immigrant.

Registers to be kept on plantation.

204.—(1.) Every manager of a plantation on which any immigrant may be under indenture or contract of service shall keep a register book or register books.

(2.) Such book or books shall be at all times open to the inspection of the Immigration Agent General, of the Medical Inspector, and of the Government

Medical Officer, and shall be produced in Court, if the presiding Judge or Magistrate so requires, in all proceedings taken under this Ordinance by or against any immigrant under indenture or contract of service on such plantation.

(3.) Such book or books shall include the following particulars:—

(*a.*) The several Indenture Lists received by the manager on allotment of immigrants, or any copies of such Indenture Lists which have been certified by the Immigration Agent General; Schedule: Form No. 6:

(*b.*) A Register of Dwellings of Indentured Immigrants; Form No. 7:

(*c.*) A Register of Absences on Leave; Form No. 21:

(*d.*) A Register of Desertions; Form No. 22:

(*e.*) A Register of Births of Immigrants occurring on such plantation; and Form No. 38:

(*f.*) A Register of Deaths of Immigrants occurring on such plantation. Form No. 39.

Half-yearly returns by employer.

205. Every employer of immigrants shall, on or before the twenty-first day of April and the twenty-first day of October in every year, make out and send to the Immigration Agent General a return in writing of the number of each description of immigrants in his service on the last day of the preceding month, and the Immigration Agent General shall make out an abstract of all such returns, and of the returns made by the officers in charge of Public Institutions, to be laid before the Governor and Court of Policy. Schedule: Form No. 40.

Making of false entry in register, &c., by manager.

206. Every manager who—

(1.) Makes any false entry in any register or half-yearly return required to be kept or made by him under this Ordinance; or

(2.) Neglects to keep any such register carefully noted up; or

(3.) Neglects to make out and send in any such half-yearly return within the time limited in that behalf,

shall be liable, on the complaint of the Immigration Agent General, to a penalty not exceeding twenty-four dollars.

Medical returns, &c.

207. Every Government Medical Officer shall, within one month after the end of each year, transmit to the Surgeon General a return of all the diseases entered in the Hospital Register within his District, and the Medical Inspector shall, in the month of April in every year, make out a statistical abstract of all such returns for the preceding year, with a report thereon; and a duplicate copy of such abstract and report shall be transmitted by the Surgeon General to the Immigration Agent General, to be laid by him, together with his own report, before the Governor and Court of Policy.

Loss of certificate of exemption from labour, &c.

208.—(1.) Every immigrant whose certificate of exemption from labour may have been lost or destroyed shall be entitled, on proving, to the satisfaction of the Immigration Agent General, that he is then entitled to such certificate and that such certificate has been lost or destroyed, and on payment of twenty-four cents, to receive a duplicate of such certificate: Provided that the Immigration Agent General may, if he thinks fit, grant any such duplicate certificate without payment of any fee.

(2.) Every employer shall at any time be entitled to a duplicate of any Indenture List of immigrants delivered to him, on payment of five dollars or of ten cents per immigrant if the immigrants are less than fifty in number.

(3.) Every employer and every immigrant shall be entitled to receive a certified extract from any register kept by the Immigration Agent General, on payment of twenty-four cents for every such extract.

Use by one immigrant of certificate or pass of another immigrant.

209. If any immigrant uses or attempts to use any certificate of exemption from labour or any pass signed by an employer, not being the immigrant to whom such certificate or pass was granted, he shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment, with or without had labour, for any term not exceeding two months, or to both such penalty and imprisonment.

Forgery of certificate of exemption from labour.

210. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate of exemption from labour mentioned in this Ordinance or any endorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Forgery of passport or pass.

211. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any passport or pass mentioned in this Ordinance, with intent to defraud, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding one year.

PART XV.

PROCEDURE.

Procedure and appeal

212.—(1.) Every complaint made and every information laid under any of the provisions of this Ordinance shall be made or laid before the Magistrate of the District in which the offence was committed or the cause of complaint arose, and the procedure for the recovery of any fine or penalty or the enforcement of any imprisonment under the provisions of this Ordinance shall, unless otherwise provided by this Ordinance, be that provided by the Summary Jurisdiction Ordinances, and shall be subject to the appeal thereby provided: Provided that any such complaint or information against an indentured immigrant shall be made or laid within one month from the date of the offence or cause of complaint, or, in case of desertion, within one week from the date at which the deserter is apprehended: Provided, also, that if the Immigration Agent General, on behalf of any indentured immigrant, wishes to bring any summary conviction or order or other adjudication of any Magistrate in any case of summary jurisdiction under this Ordinance on appeal before the Court, he may make his appeal at any time within one month after the hearing.

See Ordinances No. 12 of 1893 and No. 13 of 1893.

(2.) Every copy of reasons of appeal or of any other process required by the Immigration Agent General shall be furnished from the Registrar's Office, or by the Clerk to the Magistrate, free of charge.

Power to the Immigration Agent General to act for immigrant.

213. Every complaint which may be made and every information which may be laid under this Ordinance by an immigrant may be made or laid by the Immigration Agent General on his behalf.

Appearance of the Immigration Agent General.

214. In any proceeding taken by the Immigration Agent General under this Ordinance, it shall not be necessary for him to attend in person, unless he is a material witness, but he may authorize any officer of the Immigration Department to appear on his behalf.

Appearance of employer.

215. In any proceeding taken by an employer against an immigrant under this Ordinance, it shall not be necessary for the complainant to attend in person unless the complainant is a material witness on the part of such immigrant, in which case the hearing may be postponed in order to his appearance.

Admissibility of evidence of defendant.

216. The defendant in any proceeding under this Ordinance shall be entitled to be sworn and to tender his evidence on oath; and every heathen immigrant shall make such oath or affirmation as he may declare to be binding on his conscience, and shall be liable, in case of falsehood, to be convicted and punished as for perjury.

Statement of ownership of property.

217. In any proceeding taken by or against an employer in which it may be necessary to state the ownership of any property belonging to or in the possession of the proprietors of any plantation, it shall be sufficient to name any one of such proprietors, or the attorney of such proprietors, and to state such property to belong to the person so named and another or others, as the case may be.

Proof of Indenture List, &c.

218. In any proceeding taken by or against an immigrant, any Indenture List or certificate of exemption from labour, and any duplicate thereof signed by the Immigration Agent General, and every certified extract from any register kept by the Immigration Agent General, shall be received in evidence of any fact therein recorded without further proof.

Power for Magistrate to order indentured immigrant before him to be conveyed to hospital.

219.—(1.) Whenever, in any proceeding before a Magistrate against an indentured immigrant, it appears to the Magistrate that such immigrant requires medical care or to be medically examined, the Magistrate may order such immigrant to be taken to the hospital of the plantation on which such immigrant is indentured, and thereupon such immigrant shall be conveyed by the Police and admitted to such hospital.

(2.) If a warrant has been issued for the apprehension of such immigrant as a deserter and he quits the hospital without being duly discharged, the warrant shall revive and be in full force immediately on his so doing.

(3.) When any such order is made, the Magistrate may adjourn the proceeding to any time that he may think fit, or until after such immigrant is discharged from the hospital; and in this latter case the Magistrate, before continuing the proceeding, shall cause proper intimation to be given to the parties of the time and place at which the proceeding will be continued.

Imprisonment of indentured immigrant.

220. Any Magistrate who orders an indentured immigrant to be imprisoned by virtue of any conviction under this Ordinance may order such immigrant to be imprisoned either with or without hard labour.

Admission of immigrant sentenced to imprisonment to bail in certain cases.

221.—(1.) Whenever any indentured immigrant is sentenced to be imprisoned under any summary conviction or order by a Magistrate for any alleged offence under the provisions of this Ordinance, and the Immigration Agent General appeals against such conviction or order, the Magistrate shall thereupon admit such immigrant to bail in his own recognizance, in a sum not exceeding ninety-six dollars, to render himself to prison according to the adjudication in case the adjudication is affirmed, and the adjudication, if affirmed, shall be enforced in the manner provided by the Summary Jurisdiction Ordinances.

Schedule: Form No. 41.

(2.) If the immigrant has been committed to prison before the Immigration Agent General has appealed, then and in every such case the Magistrate of the District in which the Prison is situated shall admit the immigrant to bail as aforesaid on receiving notice in writing from the Immigration Agent General that he has appealed.

Certified copy of proceedings before Magistrate.

222.—(1.) Every Magistrate shall, on application made in that behalf, furnish to the Immigration Agent General, free of cost, a certified copy of any summary proceedings taken or had by such Magistrate in respect of any matter arising out of the provisions of this Ordinance in which any immigrant is concerned, and such copy shall include a certified copy of the complaint or information, the evidence, and the conviction or order.

(2.) The Magistrate shall furnish such copy within seven days from the day on which he receives the application of the Immigration Agent General for the same.

Copy of warrant of commitment of immigrant.

223. The Keeper of every Prison shall, on application made in that behalf, furnish to the Immigration Agent General, free of cost, a copy of the warrant of commitment or other authority by virtue whereof such Keeper detains in custody any immigrant for any alleged breach of the provisions of this Ordinance.

Notification by Magistrate of conviction of indentured immigrant.

224.—(1.) Whenever any indentured immigrant is convicted of any offence committed by him after the commencement of this Ordinance, and is sentenced by any Magistrate to pay a fine or penalty, or to be imprisoned with or without hard labour, or both, the Magistrate shall state on the face of the warrant of commitment, if the immigrant is committed to prison, that the person therein named is an indentured immigrant, if the fact is known to him, and shall, free of cost, forward to the employer of such immigrant, if such employer is known to him, or, if the employer is not known to him, then to the Immigration Agent General, a certificate, signed by himself, stating that such immigrant has been so convicted and sentenced, and the time, if any, during which the immigrant was detained in custody while awaiting his trial before he was so convicted.

Schedule: Form No. 42.

(2.) In case of desertion, the Magistrate shall also state in the conviction the date when such immigrant first quitted the plantation and the date when the charge was preferred against him for such desertion.

Notification by Magistrate in case of commitment for trial.

225. Whenever any indentured immigrant is charged with having committed any crime or offence after the commencement of this Ordinance and is referred by a Magistrate for trial at the Supreme Court in its criminal jurisdiction, the Magistrate shall attach to the depositions taken by him in such matter, and transmit therewith, a certificate stating the time during which the immigrant has been in custody in respect of such charge before he was referred for trial, and whether or not the immigrant has been admitted to bail.

Schedule: Form No. 43.

Certificate of conviction before Supreme Criminal Court.

226. Whenever any indentured immigrant is convicted before the Supreme Court in its criminal jurisdiction of any crime or offence committed by him after the commencement of this Ordinance, and is sentenced to be kept to penal servitude or to be imprisoned, the Registrar for the County or the Clerk of the Court shall give to the employer of such immigrant, on his application the certificate forwarded by the Magistrate with the depositions, and shall furnish to the employer, free of cost, a

Schedule: Form No. 44.

certificate stating that the immigrant mentioned in the certificate of the Magistrate was so convicted and sentenced, and shall state therein if the immigrant was admitted to bail, either before or after his trial, by any Judge of the Supreme Court.

PART XVI.

Miscellaneous Provisions.

Property of Deceased Indenturéd Immigrants.

Mode of dealing with property of deceased indentured immigrant.

227.—(1.) Every Immigration Agent shall collect and take possession of all the property of any indentured immigrant who dies in his District, and, with the sanction of the Immigration Agent-General, shall deliver or pay the same to any person who may establish a right thereto, or, in the absence of any such person, shall convert the same into money and pay over the amount realized to the Receiver General to be remitted to the persons abroad who may be entitled to the same.

Schedule: Form No. 45.

(2.) The Immigration Agent General shall keep a book in which shall be recorded the particulars of any dealings with any such property.

Protection of the Immigration Agent General, &c., in relation to property.

228. No appeal to any Court shall lie from any decision of the Immigration Agent General in respect of any claim made to or against the estate of any deceased indentured immigrant, and no action shall lie against the Immigration Agent General or against any Immigration Agent for any act done or omission made by him in the administration of the estate of any such deceased immigrant under the provisions of this Ordinance.

Proceeding by manager on death of indentured immigrant.

229. Every manager of a plantation shall, without delay, notify in writing to the Immigration Agent of the District the decease of any indentured immigrant, and shall also, with such notification, transmit a short inventory of all the goods, chattels, personal effects, wages, and other assets which belonged or were due to such deceased immigrant.

Other provisions relating to property. No. 8 of 1887.

230. Other provisions relating to the property of deceased immigrants are contained in the Administrator General's Ordinance, 1887.

Care of Orphans.

Appointment of guardian of orphan child of immigrant.

231. The Immigration Agent General may commit the care and custody of any orphan child of an immigrant to any person (hereinafter termed "the guardian") whom he may think a fit and proper person to have the charge of such orphan child, and may change such guardian whenever he thinks fit.

Interference with guardian, &c.

232. Every person who—

(1.) Wilfully interferes with a guardian in any of the duties of his guardianship; or

(2.) Unlawfully removes or entices, or attempts to remove or entice, an orphan from the care and custody of his guardian,

shall be liable, on the complaint of the Immigration Agent General, to a penalty not exceeding forty-eight dollars or to imprisonment, with or without hard labour, for any term not exceeding three months.

Keeping of Register of Orphans. Schedule: Form No. 46.

233. The Immigration Agent General shall keep a Register of Orphans for the purposes of the last two preceding sections.

Regulation of Festivals.

Making of regulations for government of festivals.

234. The Governor may make regulations for the government of the festivals of immigrants, and of the processions held by them in connexion therewith, and for defining the routes of such processions, and for preventing obstructions of the public highway by reason of such processions, and for securing the due maintenance of the public peace and tranquillity during such festivals and processions.

Application of regulations.

235. Any such regulations may be either general and apply to all plantations or public highways of the Colony, or special and apply only to a particular plantation or public highway, to be specified in the regulations.

236. Every person who contravenes any such regulation shall be liable to a penalty not exceeding ninety-six dollars or to imprisonment, with or without hard labour, for any term not exceeding six months. Contravention of regulations.

237. Any prosecution for the contravention of any such regulation may be made by any police constable. Prosecution for contravention.

Questions as to Age, &c.

238. Any question as to the age of an immigrant which may be raised under this Ordinance, other than a question in a Court of Justice, may be decided by the Immigration Agent-General, and his decision shall be final. Decision of question as to age of immigrant.

239. In any case where no punishment is provided for the contravention of any of the provisions of this Ordinance, every person who is guilty of such contravention shall be liable to a penalty not exceeding twenty-four dollars. Penalty for contravention of the Ordinance not provided for.

Temporary Provisions.

240. Every immigrant who may be under indenture at the commencement of this Ordinance, or who may be then liable to have his indenture prolonged, shall be bound to perform service under such indenture for a term equal in duration to the period of time for which the indenture may then remain unexpired or for which the indenture may have been or may be lawfully prolonged, and the indenture of every such immigrant shall determine when the immigrant has performed such service. Completion of existing indentures.

241. Each and every register, of whatever description, heretofore kept by the Immigration Agent-General under any Ordinance relating to immigration, and every Indenture List made under any such Ordinance, shall, subject to the provisions of this Ordinance, be taken to be registers and Indenture Lists kept and made under this Ordinance, and shall have and shall be taken to have the same force and effect as if they had originally been required to be kept and made, and had been kept and made, under the provisions of this Ordinance. Existing registers, etc.

242. All indentures entered into on or before the commencement of this Ordinance and recorded in any of the said registers and Indenture Lists shall be deemed to be indentures entered into and recorded under this Ordinance, but subject to the provisions of this Ordinance. Effect of existing indentures.

243. Any officer of the Immigration Department who was appointed under any Ordinance hereby repealed shall continue to hold his appointment in the same manner as if such Ordinance had not been repealed, but subject to the provisions of this Ordinance. Case of existing officers of the Immigration Department.

244. Nothing in this Ordinance shall affect the arrangement of the Medical Districts in existence at the commencement of this Ordinance. Saving as to existing Medical Districts.

245. Notwithstanding the enactment of forms in the Schedule to this Ordinance, the Immigration Agent-General may allow any form in use at the commencement of this Ordinance to be used, either generally or in any special case, after the commencement of this Ordinance for such time, not exceeding twelve months, as he may think fit. Temporary use of existing forms.

246. Except in so far as they may be inconsistent with this Ordinance, all regulations and any dietary scale in force at the commencement of this Ordinance shall, notwithstanding such repeal, continue in full force and effect unless and until they are altered or repealed under this Ordinance. Continuance of existing regulations, etc.

Section 4.

SCHEDULE

FORMS.

TABLE OF FORMS

No. 1. Summons on Inquiry.
No. 2. Oath on Inquiry.
No. 3. Affirmation on Inquiry.
No. 4. Register of Applications for Immigrants.
No. 5. General Register of Immigrants introduced into the Colony.
No. 6. Indenture List.
No. 7. Register of Dwellings of Indentured Immigrants.
No. 8. Scale of Rations.
No. 9. Case Book.
No. 10. Hospital Register.
No. 11. Pay List.
No. 12. Complaint for an Offence by a Watchman.
No. 13. Complaint for Absence from Work, etc.
No. 14. Complaint for being Drunk, etc.
No. 15. Complaint for using Threatening Words, etc.
No. 16. Register of Cases before the Magistrate.
No. 17. Complaint for Absence without Leave.
No. 18. Certificate that Absence was for reasonable cause or the contrary.
No. 19. Complaint against a Deserter.
No. 20. Warrant for Apprehension of a Deserter.
No. 21. Register of Absences on Leave.
No. 22. Register of Desertions.
No. 23. Certificate of Return of Indentured Immigrant to Plantation.
No. 24. Complaint against an Habitual Idler.
No. 25. Register of Defaulters.
No. 26. Register of Married Immigrants arriving in the Colony.
No. 27. Certificate of Registration of Marriage of Immigrants arriving in the Colony
No. 28. Register of Marriages of Immigrants contracted in the Colony.
No. 29. Notice of Intention to contract Marriage.
No. 30. Certificate of Marriage after Publication of Notice.
No. 31. Certificate of Marriage according to Religion and Personal Law.
No. 32. Certificate of Registration of Marriage of Immigrants contracted in the Colony.
No. 33. Register of Divorces of Immigrants.
No. 34. Certificate of Exemption from Labour.
No. 35. Passport.
No. 36. Register of Passports.
No. 37. Complaint against Owner, etc., of Ship for receiving Immigrant who had no Passport.
No. 38. Register of Births on Plantation.
No. 39. Register of Deaths on Plantation.
No. 40. Half-Yearly Return by Employer.
No. 41. Recognizance in case of Appeal.
No. 42. Certificate of Conviction of Indentured Immigrant by the Magistrate.
No. 43. Certificate of Reference of Indentured Immigrant for Trial.
No. 44. Certificate of Conviction of Indentured Immigrant before the Supreme Court.
No. 45. Register of Property of Deceased Immigrants.
No. 46. Register of Orphans.

Section 19.

FORM NO. 1.

Summons on Inquiry.

To *of*

Take notice that, under the provisions of the Immigration Ordinance, 1891, you are required to attend before me at in the County of on day, the day of 1 , at o'clock, m., then and there to give evidence touching the matter of a certain inquiry, to be then and there lawfully held by me, on pain as the law directs.

Dated this day of 1 .

(Signed.)

Immigration Agent.

FORM No. 2. Section 20.

Oath on Inquiry.

The evidence which you shall give before me touching the matter now in question shall be the truth, the whole truth, and nothing but the truth.—So help you God.

FORM No. 3. Section 20.

Affirmation on Inquiry.

I, do solemnly affirm that the taking of any oath is, according to my religious belief, unlawful, and I do solemnly affirm that the evidence which I shall give touching the matter now in question shall be the truth, the whole truth, and nothing but the truth.

FORM No. 4. Section 38.

Register of Applications for Immigrants for the Season 1 —1 .

No. of Application.	Date of Application.	Name of Applicant.	Description of Applicant, whether Proprietor, Attorney, or Lessee.	Name of Plantation to which Immigrants are to be allotted.	Consents or Objections, as of Lessor, Mortgagee, etc.	Number and Description of Immigrants applied for.				Total.	Remarks.
						Calcutta Indians.	Madras Indians.	Chinese.	Others.		

Section 52.

FORM No. 5.

General Register of Immigrants introduced into the Colony by the Ship from on the day of 1 .

No.	Name.	Father's Name.	Sex.	Age.	Height.		Caste.	Bodily Marks.	Name of Native Place.	Date of Indenture.	Plantation to which allotted.
					Ft.	In.					

Amount of Fee charged on partially Non-effective Immigrant.	No. in Marriage Register.	Indenture Fee Refunded.			Plantation to which Transferred.	Commuted.	Certificate of Exemption.		Sent to Eleemosynary Institution.	No. in Obituary Register.		No. and Name of Ship in which returned to India.	Year of Departure.	Remarks.
		Cause.	Amount.				No.	Year.		No.	Year.			
			$	c.										

Section 52.

FORM NO. 6.

Indenture List of Immigrants ex Ship 1 *, allotted to Plantation*

Register No.	Name.	Father's Name.	Sex.	Age.	Height.	Bodily Marks.	Date of Indenture.	Amount of Fee.	No. of Wife, Husband, or Parents.	Remarks

This Indenture witnesseth that from this date the Immigrants scheduled above have been duly indentured by the Immigration Agent General to to serve as labourers and reside on Plantation for Five Years, subject in all respects to the Immigration Ordinance, 1891.

Dated this day of 1 .

Witness :

(Signed.)

Immigration Agent General.

Proprietor [or as the case may be.]

Section 67.

FORM NO. 7.

Register of Dwellings of Indentured Immigrants on Plantation

Letter of Range.	No. of Apartment in Range.	Name of Immigrant.	Sex.	No., Ship, and Year of Arrival.			Remarks.

Section 71

FORM No. 8.

Scale of Rations.

8 ounces Rice.
3 do. Dāl or Pease.
1 do. Ghi or Cocoanut Oil.
¾ do. Masālah.
2 do. Sugar.
½ do. Salt.
2 pounds Yams (raw),
or either of the following—instead of Yams—viz. :—

2 pounds	Plantains, without husks.	}	Equivalent to 2 lbs. Yams.
2 do.	Sweet Potatoes.		
2 do.	Tannias.		
2 do.	Cassava.		
1 do.	Wheat Flour.		
2 do.	Corn Meal.		
1 do.	Rice.		

Section 80.

FORM No. 9.

Case Book of Plantation

Date of Admission.	Name.	Sex.	Age on Arrival.	No., Ship, and Year of Arrival.		Disease.	Diet.	In- or Out-Door Patient.	Remedies, Directions, Medical Comforts, &c.

Section 80.

FORM No. 10.

Hospital Register of Plantation

Date of Admission.	Name.	Sex.	Age on Arrival.	Country.	No., Ship, and Year of Arrival.	In- or Out-Door Patient.	Disease.	Result.	Date of Discharge.	Remarks.

Section 97.

FORM No. 11.

A.

Pay List of Plantation *for the Week ending* 1 .

Name.							Bitts.	Amount.	To whom Paid.

B.

Pay List of Plantation

Name.						Bitts.	Amount.	To whom Paid.						Bitts.	Amount.	To whom Paid.

for the Month of 1 .

							Bitts.	Amount.	To whom Paid.						Bitts.	Amount.	To whom Paid.	Total Amount.

Section 108.

FORM NO. 12.

Complaint for an Offence by a Watchman.

BRITISH GUIANA.

DISTRICT.

The Complaint of the Manager of Plantation in the Judicial District in the County of taken [upon oath] before me, the undersigned Stipendiary Magistrate for the said Judicial District, who saith that the Immigrant male, years on arrival, No. ex 1 , being then under indenture on the said Plantation, and having bound himself by a certain agreement to serve as a watchman on the said Plantation, and being then bound so to serve for a period then unexpired, on the day of 1 , and whilst he was so bound as aforesaid, at the said Plantation, did unlawfully neglect his duty as such watchman by [*here state how*] [*or* to serve as a watchman on the said Plantation] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [and sworn] before me this day of 1 , at

(Signed.)

Stipendiary Magistrate.

Section 109.

FORM NO. 13.

Complaint for Absence from Work, etc.

BRITISH GUIANA.

DISTRICT.

The Complaint of the Manager of Plantation in the Judicial District in the County of taken [upon oath] before me, the undersigned Stipendiary Magistrate for the said Judicial District, who saith that the Immigrant male, years on arrival, No. ex 1 , being then under indenture on the said Plantation, on the day of 1 , at the said Plantation, did, without lawful excuse, absent himself from work, namely, [*here describe the work*]

[*or* after having been directed by being a duly authorized person, namely, [*here state the capacity of the person*] on the said Plantation, to attend at [*here state the time*] at [*here state the place*] for the performance of certain work, namely, [*here describe the particular work, as for instance*, weeding one opening in Field No. 6 on the said Plantation] refuse [*or* neglect] to so attend]

[*or* refuse to begin *or* refuse to finish, *or* neglect to begin, *or* neglect to finish [*as the circumstances of the case may require*] certain work, namely, [*here describe the particular work*] which said work the said had been directed by being a duly authorized person, namely, [*here state the capacity of the person*] on the said Plantation to perform,] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [and sworn] before me this day of 1 , at

(Signed.)

Stipendiary Magistrate.

Section 111.

FORM NO. 14.

Complaint for being Drunk, etc.

BRITISH GUIANA.

DISTRICT.

The Complaint of the Manager of Plantation in the Judicial District in the County of taken [upon oath] before me, the undersigned Stipendiary Magistrate for the said Judicial District, who saith that the Immigrant male, years on arrival, No. ex 1 , being then under indenture on the said Plantation, on the day of 1 , at was drunk in [*or* about] the Buildings, while employed on certain work, namely, [*here describe the work*]

[*or* was drunk during the time when he was required to be at work] [*or* was guilty of fraud [*or* wilful

deception] in the performance of his work by [*here describe the fraud or deception practised.*]]
[*or* did use to his employer [*or* a person by his employer then placed in authority on the said Plantation as Overseer *or* as Foreman] abusive [*or* insulting] words [*or* gestures] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [and sworn] before me this day of 1 , at

(Signed.)

Stipendiary Magistrate.

FORM NO. 15. Section 112.

Complaint for using Threatening Words, etc.

BRITISH GUIANA.

The Complaint of the Manager of Plantation in the Judicial District in the County of taken [upon oath] before me, the undersigned Stipendiary Magistrate for the said Judicial District, who saith that the Immigrant male, years on arrival, No. ex 1 , being then under indenture on the said Plantation, on the day of 1 , at did use to his employer [*or* a person by his employer then placed in authority on the said Plantation as Overseer *or* as Foreman] threatening words [*or* gestures.]
[*or* did by negligence [*or* carelessness *or* improper conduct] endanger [*or* damage, *or* cause to be endangered, or damaged, *or* suffer to be endangered or damaged] certain property of his employer, the proprietor of the said Plantation, namely, [*here describe the property*]]
[*or* did sell certain property of his employer, the proprietor of the said Plantation [*here describe the property*]]
[*or* did hinder [*or* molest] one an Immigrant, in the performance of his work]
[*or* did persuade [*or* attempt to persuade] one an Immigrant, unlawfully to refuse [*or* absent himself from *or* desist from] work]
contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [and sworn] before me this day of 1 , at

(Signed.)

Stipendiary Magistrate.

FORM NO. 16. Section 113.

Register of Cases before the Magistrate.

No. herein.	Date of Complaint.	Complainant.	Defendant.	No., Ship, and Year of Arrival.	Charge.	How disposed of.	Date of Disposal.	Punishment.	Remarks.

Section 119.

FORM NO. 17.

Complaint for Absence without Leave.

BRITISH GUIANA.

The Complaint of the Manager of Plantation in the Judicial District in the County of taken [upon oath] before me, the undersigned Stipendiary Magistrate for the said District, who saith that the Immigrant male, years on arrival, No. ex 1 , being then under indenture on the said Plantation, did unlawfully absent himself from the said Plantation without leave during the time in which he was required to be at work, namely, [*here state the time and describe the work*] [*or* being then under indenture on the said Plantation, on the day of 1 , [*or* and on *days then next following, *if the absence continues*] did unlawfully absent himself from the said Plantation without leave, and did thereby commit a breach of his obligation of residence on the said Plantation] contrary to the form of the Ordinance in such case made and provided.

(Signed.)
Manager of Plantation.

Taken [and sworn] before me this day of 1 , at

(Signed.)
Stipendiary Magistrate.

* *This number cannot be more than five, for if the Immigrant has been so absent for more than five days in addition to the day specified, he becomes a deserter.*

Section 121.

FORM NO. 18.

Certificate that Absence was for reasonable cause or the contrary.

This is to certify that the Immigrant male, No ex 1 , came to me on the day of 1 , to complain of [*here state the matter of complaint*] and that I am of opinion he had reasonable grounds for so doing [*or* that the complaint was ill-founded *or* frivolous.]

Dated this day of 1 .

(Signed.)
Immigration Agent General. [*or*
Immigration Agent *or* Stipendiary Magistrate.]

Section 122.

FORM NO. 19.

Complaint against a Deserter.

BRITISH GUIANA.

DISTRICT.

No. Plantation.

The Complaint of the Manager of Plantation in the Judicial District in the County of taken [upon oath] before me, the undersigned Stipendiary Magistrate for the said Judicial District, who saith that the Immigrant male, years on arrival, No. ex 1 , in height, bodily marks being then under indenture on the said Plantation, did, on the day of 1 , without leave absent himself from the said Plantation, and did continue so to absent himself from the said Plantation for the period of seven days then next following, by means whereof he, the said then became and now is a Deserter from the said Plantation, contrary to the form of the Ordinance in such case made and provided ; and thereupon the said makes application that the said may be apprehended and dealt with according to Law.

(Signed.)
Manager of Plantation.

Taken [and sworn] before me this day of 1 , at

(Signed.)
Stipendiary Magistrate.

N.B.—*These complaints are to be numbered consecutively on each Plantation in each year from the 1st January to the 31st December.*

FORM No. 20. Section 122.

Warrant for Apprehension of a Deserter.

BRITISH GUIANA.

DISTRICT.

To all Constables of the Colony.

No. 1

Whereas a Complaint in writing has this day been made before me, the undersigned Stipendiary Magistrate for this Colony, at in the Judicial District in the County of by Manager of Plantation in the said Judicial District [upon oath] for that the Immigrant male, years on arrival, No. ex 1 , in height, bodily marks being then under indenture on the said Plantation, did, without leave, on the day of 1 , absent himself from the said Plantation, and did continue so to absent himself from the said Plantation, for the period of seven days then next following, by means whereof he then became and now is a Deserter from the said Plantation, contrary to the form of the Ordinance in such case made and provided :—These are, therefore, to command you, or either or any of you, forthwith to apprehend the said and bring him before me, or the then acting Stipendiary Magistrate for the said Judicial District, to be further dealt with according to Law.

Dated this day of 1 ,
at

(Signed.)

Stipendiary Magistrate.

N.B.—*Warrants for deserters are to be numbered consecutively in each Judicial District in each year from the 1st January to the 31st December.*

FORM No. 21. Section 126.

Register of Absences on Leave.

No.	No. Plantation. 1 .
Name	The Immigrant
Sex	male, No. ex 1 , indentured
No., Ship, and Year of Arrival	to Plantation has this day been granted
Number of days' leave.....	leave of absence for day
Whether verbally or on pass	verbally [*or* on pass].
	(Signed.)
	Manager.

FORM No. 22. Section 126.

Register of Desertions.

No.	Name of Deserter.	Sex.	Country.	No., Ship, and Year of Arrival.	Date when last seen on the Plantation.	Where supposed to be.	Remarks.

Section 132.

FORM NO. 23.

Certificate of Return of Indentured Immigrant to Plantation.

This is to certify that the Indentured Immigrant male, No. ex , was this day brought to this Plantation by Police Constable No. at o'clock, m.

Dated this day of .

(Signed.)

Manager of Plantation.

Section 134.

FORM NO. 24.

Complaint against an Habitual Idler.

BRITISH GUIANA.

DISTRICT.

The Complaint of the Manager of Plantation in the Judicial District in the County of taken [upon oath] before me, the undersigned Stipendiary Magistrate for the said Judicial District, who saith that the Immigrant male years on arrival, No. ex , being then under indenture on the said Plantation, was absent from work on the said Plantation, without lawful excuse, on days in the month of , [*or* in the two consecutive months of and , namely, on the by means whereof the said has become an Habitual Idler, contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [and sworn] before me this day of , at

(Signed.)

Stipendiary Magistrate.

Section 136.

FORM NO. 25.

Register of Defaulters.

Desertion.					Imprisonment.			
Name and Description of Immigrant.	Year.	From	To	Number of Days.	Name and Description of Immigrant.	From	To	Number of Days.

FORM No. 26. Section 140.

Register of Married Immigrants arriving in the Colony.

No.	Date.	Name.	Country.	No., Ship, and Year of Arrival.	Plantation to which allotted.

FORM No. 27. Section 141.

Certificate of Registration of Marriage of Immigrants arriving in the Colony.

Immigration Office,

No. *Georgetown,* 1 .

I hereby certify that the parties hereunder named and described have been this day duly registered by me as married Immigrants.

Name.	Country.	No., Ship, and Year of Arrival.	Plantation to which allotted.

(Signed.)

Immigration Agent General.

N.B.—*The number and date of this Certificate will correspond with the first two columns of the Form No.* 26.

Section 143.

FORM NO. 28.

Register of Marriages of Immigrants contracted in the Colony.

No.	Date.	Name.	Country.	No., Ship, and Year of Arrival.	Place of Abode.	Place of Publication of Notice, if any.	Date and Place of Marriage.	Name of Officer, if any, before whom Marriage contracted.	Signature of Immigration Agent General.

Section 146.

FORM NO. 29.

Notice of Intention to contract Marriage.

We, who are hereunder named and described, do hereby give notice of our intention to contract marriage, and do declare that, to the best of our belief, no impediment exists to such marriage, [and [*if the female is under* 15 *years of age*] that the consent of the Father of [*or, as the case may be, of*] has been obtained.]

Name.	Age.	Country.	No., Ship, and Year of Arrival.	Place of Abode.

Dated this day of 1 .

Witnesses to signatures :— (Signed.)

E. F. *A. B.*

G. H. *C. D.*

If the female is under 15 *years of age, the following declaration must be added :—*

I, Father [*or as the case may be*] of do hereby signify my consent to the marriage of the said to

Dated this day of 1 .

(Signed.)

I. J.

FORM NO. 30. Section 149.

Certificate of Marriage after Publication of Notice.

I hereby certify that the Immigrants hereunder named and described have been duly married before me in accordance with the provisions of the Immigration Ordinance, 1891.

Name.	Country.	No., Ship, and Year of Arrival.	Place of Abode.	Place of Publication of Notice.	Date and Place of Marriage.

Dated this day of 1 .

(Signed.)

Stipendiary Magistrate.

FORM NO. 31. Section 152.

Certificate of Marriage according to Religion and Personal Law.

We, *A. B.* and *C. D.*, severally declare as follows:—

1. We are both of the Religion and are subject to the same personal law.

2. We were duly married on the day of 1 , at by and we severally say that such marriage was well and truly effected according to the said Religion and to the personal law to which we are subject.

(Signed.)

A. B.

C. D.

We, *E. F.* and *G. H.*, severally declare that we are of the same Religion and subject to the same personal law as *A. B.* and *C D.*; that we were present at the ceremony of marriage between them; and that the statements contained in this certificate are true.

Dated this day of 1 .

(Signed.)

E. F.

G. H.

If the Female is under 15 years of age, the following declaration must be added:—

I, Father (*or as the case may be*) of do hereby declare that I consent to the marriage of the said to

Dated this day of 1 .

(Signed.)

I. J.

Section 152.

FORM No. 32.

Certificate of Registration of Marriage of Immigrants contracted in the Colony.

Immigration Office,

No. *Georgetown,* 1 .

I hereby certify that the marriage of the Immigrants hereunder named and described has been this day duly registered by me.

Name.	Country.	No., Ship, and Year of Arrival.	Place of Abode.	Date of Marriage.

(Signed.)

Immigration Agent General.

N.B.—*The number and date of this Certificate will correspond with the first two columns of the Form No.* 28.

Section 163

FORM No. 33.

Register of Divorces of Immigrants.

No.	Date.	Name.	Country.	No., Ship, and Year of Arrival.	Date of Marriage.	No. of Divorce.	Date of Divorce.

FORM NO. 34. Section 190.

Certificate of Exemption from Labour.

BRITISH GUIANA.

I hereby certify that the undermentioned Immigrant has completed Term of Service under Indenture on Plantation.

Name of Immigrant	
Father's Name	
Sex	
Age on Arrival	
Height	
No., Ship, and Year of Arrival	
Date of Indenture	
Bodily Marks	
Number of Certificate	
Date of Issue	

Dated this day of 1 .

(Signed.)

Immigration Agent.

FORM NO. 35. Section 194.

Passport.

BRITISH GUIANA. *Immigration Office,*

No. *Georgetown,* 1 .

PERMISSION is hereby granted to the undermentioned Immigrant to leave this Colony within fourteen days from the date hereof.

Name	
Father's Name	
Sex	
Age on Arrival	
Height	
No., Ship, and Year of Arrival	
Bodily Marks	
Plantation to which last indentured ...	

(Signed.)

Immigration Agent General.

Section 194.

FORM No. 36.

Register of Passports.

No.	Date of Passport.	Name of Immigrant.	Sex.	Age on Arrival.	No., Ship, and Year of Arrival.	Plantation to which last indentured.	Date of Notice of Intention to leave the Colony.	Ship in which sailed.	Date of Departure.	Destination.	Remarks.

Section 197.

FORM No. 37.

Complaint against Owner, etc., of Ship for receiving Immigrant who had no Passport.

BRITISH GUIANA.

DISTRICT.

The Complaint of taken [upon oath] before me, the undersigned Stipendiary Magistrate for the Judicial District in the County of who saith that being then the owner [*or* master *or* person in charge] of a certain ship called the then lying at in the County aforesaid, did, on the day of 1 , receive [*or* harbour] on board the said ship [*or here state where*] Immigrant, who [*or* each of whom] had not then obtained a passport [*or* whose passport had expired] with intent in so doing to carry such Immigrant out of the said Colony, contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Taken [and sworn] before me this day of 1 , at

(Signed.)

Stipendiary Magistrate.

Section 204

FORM No. 38.

Register of Births on Plantation

Name.	Sex.	Date of Birth.	Description of Father.			Description of Mother.		
			Name.	Country.	No., Ship, and Year of Arrival.	Name.	Country.	No., Ship, and Year of Arrival.

FORM No. 39. Section 204.

Register of Deaths on Plantation

Name of Deceased.	Sex.	Age at time of Death.	Country.	No., Ship, and Year of Arrival.	Date of Death.	Cause of Death.	Remarks.

FORM No. 40. Section 205.

Half-Yearly Return by Employer of the Descriptions of Immigrants under indenture to, or residing on, Plantation in the County of for the Half-Year ending the day of 1 .

	INDIANS.				CHINESE.		OTHERS.		TOTAL.	
	CALCUTTA.		MADRAS.							
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Number of Immigrants under indenture at commencement of the Half-Year										
Number of Immigrants allotted during the Half-Year ...										
Number of Immigrants transferred from other Plantations during the Half-Year ...										
Number of Infant Immigrants who came under indenture during the Half-Year ...										
Total (A) ...										
Number of Immigrants whose terms of service expired during the Half-Year ...										
Number of Immigrants transferred to other Plantations during the Half-Year ...										
Number of Indentured Immigrants who died during the Half-Year										
Total (B) ...										
Total number of Immigrants remaining under indenture (C)										
Total number of Immigrants, not under indenture, residing on the Plantation										
Total number of Children, under ten years, residing on the Plantation										
Total (C) ...										

NOTE 1.—*From total A subtract total B, the remainder (total C) shows the number remaining under indenture.*

NOTE 2.—*Immigrants under* 10 *years of age are not indentured, and therefore must not be included amongst Immigrants under indenture.*

EXTRACT FROM REGISTER OF BIRTHS.

Name of Infant.	Sex.	Date of Birth.	Description of Father. (See Note 1.)			Description of Mother. (See Note 1.)		
			Name.	Country.	No., Ship, and Year of Arrival.	Name.	Country.	No., Ship, and Year of Arrival.

EXTRACT FROM REGISTER OF DEATHS.—(See Note 1.)

Name of Deceased.	Sex.	Age at time of Death.	Country.	No., Ship, and Year of Arrival.	Date of Death.	Cause of Death.	Remarks.

N.B.—*All Certificates of deceased Immigrants, issued by the Immigration Department, must be forwarded with this Return.*

(B.) SPECIFICATION of Indentured Immigrants in the Colonial Hospital, Alms House, Lunatic Asylum, or Leper Asylum, on 1 .

Name of Immigrant.	Sex.	Country.	No., Ship, and Year of Arrival.	Date when sent.	Institution.	Remarks.

(B.) SPECIFICATION of Indentured Immigrants absent by Desertion on 1 .

No.	Name of Deserter.	Sex.	Country.	No., Ship, and Year of Arrival.	Date of Desertion.	Where supposed to be.	Remarks.

(B.) SPECIFICATION of Indentured Immigrants absent by Imprisonment on 1 .

No.	Name of Immigrant imprisoned.	Sex.	Country.	No., Ship, and Year of Arrival.	Date of Imprisonment.	Terms for which imprisoned.	Remarks.

NOTE 1.—*In the case of Creoles of Indian or Chinese parentage, their date of birth, birthplace, and full description of parents must be given.*

NOTE 2.—*The Specifications of Absentees should only include those absent on the last day of the Half-Year.*

I hereby certify that the above Return is, to the best of my knowledge and belief, in all respects true and correct.

Dated this day of 1 .

(Signed.) *Manager.*

Section 221.

FORM NO. 41.

Recognizance in case of Appeal.

BRITISH GUIANA.

Be it remembered that on the day of in the year of Our Lord one thousand hundred and the Immigrant male, No. ex 1 , came before the undersigned, one of Her Majesty's Stipendiary Magistrates for the said Colony, and acknowledged himself to owe to our Sovereign Lady the Queen the sum of ninety-six dollars, to be made and levied of his moveable and immoveable property, to the use of our said Lady the Queen, her heirs and successors, if he, the said fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned.

(Signed.)

Stipendiary Magistrate.

Condition.

The condition of the within written recognizance is such that whereas the said was convicted before for that he and was thereupon sentenced by the said to be and whereas the Immigration Agent General, having, on behalf of the said appealed against the said conviction, the said is entitled to be released pending the determination of such appeal; if therefore the said conviction shall be confirmed and the said shall surrender himself into the custody of the Keeper of the Prison at in the County of and thereafter suffer the said imprisonment for his said offence, then this recognizance to be void, or else to stand in full force.

Section 224.

FORM NO. 42.

Certificate of Conviction of Indentured Immigrant by the Magistrate.

BRITISH GUIANA.

DISTRICT.

This is to certify that the Immigrant male, No. ex 1 , under indenture on Plantation in the Judicial District in the County of was on the day of 1 , convicted of and was thereupon sentenced to

[*If to pay a fine add*, which said fine was thereupon paid, *or* was not paid and the said Immigrant was thereupon committed in default, *as the case may be.*]

[*If the Immigrant was detained in custody before conviction, add*, And that the said was detained in custody for day before his conviction while awaiting his trial.]

[*If the offence is desertion add also*, This is to certify further that the said so convicted of desertion as aforesaid, was proved to have first quitted the said Plantation on the day of 1 , and that the charge for such desertion was preferred against the said Immigrant on the day of 1 .]

Dated this day of 1 .

(Signed.)

Stipendiary Magistrate.

N.B.—Where the Immigrant at once pays the fine imposed, there is no necessity for this certificate, unless he has been detained in custody awaiting his trial or is a deserter.

Section 225.

FORM NO. 43.

Certificate of Reference of Indentured Immigrant for Trial.

BRITISH GUIANA.

DISTRICT.

This is to certify that the Immigrant male, No. ex 1 , under indenture on Plantation in the County of accused of was on the day of 1 , referred for trial at the Session of the Supreme Court in its criminal jurisdiction for the County of to be held on the day of 1 , and that the said Immigrant has been in custody in respect of the said charge for days [*or* and that he was admitted to bail on the day of 1 *as the case may be*].

Dated this day of 1 .

(Signed.)

Stipendiary Magistrate.

FORM NO. 44. Section 226.

Certificate of Conviction of Indentured Immigrant before the Supreme Court.

BRITISH GUIANA.

This is to certify that male, the person mentioned and described in the Certificate of Esquire, Stipendiary Magistrate, dated the day of 1 , as the Immigrant male, No. ex 1 , under indenture on Plantation in the County of was on the day of 1 , convicted before the Supreme Court in its criminal jurisdiction, and sentenced to be kept to penal servitude [*or* to be imprisoned] for [*and if admitted to bail for any cause, add*, and that the said was on bail from the day of 1 to the day of 1 .]

Dated this day of 1 .

(Signed)

Registrar [*or* Clerk of the Court.]

FORM NO. 45. Section 227.

Register of Property of Deceased Immigrants.

No.	L. R. No.	Description of Deceased.						Description of	
		Name.	Sex.	Age.	No.. Ship, and Year of Arrival.	Date of Death.	Place of Death.	Name.	No.. Ship. and Year of Arrival.

Heirs.		Nature of Property and Value.	How realized.	How disposed of.
Relationship.	Residence.			

Section 233.

FORM NO. 46.

Register of Orphans.

No.	Name.	Sex.	Age.	No., Ship, and Year of Arrival.	Description of Father.	
					Name.	No., Ship, and Year of Arrival.

Description of Mother.		Guardian.		Date of Adoption.	Remarks.
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IV.

BRITISH GUIANA.

ORDINANCE NO. 27 OF 1900.

A.D. 1900.

AN ORDINANCE to amend the Immigration Ordinance, 1891.

[18th July, 1900.]

I assent,

WALTER J. SENDALL,

Governor.

Be it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

Short title.

1. This Ordinance may be cited as "The Immigration Ordinance, 1891, Amendment Ordinance, 1900."

Construction.

2. This Ordinance and the Immigration Ordinance,1891 (hereinafter referred to as the Principal Ordinance) shall be construed together as one Ordinance.

Interpretation of terms.

3. In this Ordinance, unless the context otherwise requires,—

"Season" means the period between and inclusive of the first date in any year on which emigrant ships for this Colony may lawfully leave India, and the corresponding date in the following year:

"Return Passage" means a passage back to India, provided for an Immigrant free of, or at a reduced cost to him:

"Dependent" of an Immigrant means any Immigrant or descendant of an Immigrant who is an orphan and has been adopted by such first mentioned Immigrant.

Amendment of Sec. 68 (1) of Ord. 18 of 1891.

4. Section 68 (1) of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

68.—(1.) The Immigration Agent General may, with the assistance of the Medical Inspector and the approval of the Surgeon General make such regulations as may seem necessary for the proper construction, arrangement, drainage and maintenance in a sanitary condition of the dwellings of the indentured immigrants, and also as to the drainage and sanitary condition of the dwellings of other labourers on a plantation occupying any dwellings provided by the owners thereof and adjoining or near the dwelling of an indentured immigrant, and of the yards and grounds about such dwellings.

Amendment of Sec. 70 of Ord. 18 of 1891.

5. In Section 70 of the Principal Ordinance the words "or person occupying any dwelling on a plantation provided by the owner thereof and adjoining or near the dwelling of an indentured immigrant" are hereby inserted after the words "indentured immigrant."

Amendment of Sec. 86 of Ord. 18 of 1891.

6. In Section 86 of the Principal Ordinance the words "to be serious and attended with danger to life and to require such removal or any other case in which the Surgeon General previously approves of such removal" are hereby substituted for the words "to require such removal."

Amendment of Section 156 of principal Ordinance.

7. The words " or either of them may " shall be deemed inserted in sub-section (1) of section 156 of the Principal Ordinance after the words " in which such immigrants."

Provision by employers for return passages of future immigrants.

8.—(1.) The employers to whom during the season commencing in 1898 or any subsequent season Indian Immigrants are or have been allotted shall provide, in such manner as the Governor-in-Council may from time to time determine, for the payment of such part of the cost of the return passages of the immigrants who are introduced in such season and who subsequently return to India as is not by law payable by such immigrants.

(2.) If such provision is at any time to be made wholly or in part by means of promissory notes, section 32 to 37 of the Principal Ordinance shall apply to any promissory notes given for the purpose of making such provision as if such notes were specially referred to therein.

(3.) Nothing in any of the said sections contained shall be deemed in any way to affect the personal liability of the maker of any promissory note therein or in the preceding sub-section of this section mentioned.

Right to return passage.

9.—(1.) Every Indian immigrant introduced during the season commencing in 1898 or any subsequent season, who completes a continuous residence of ten years in the Colony and during that time obtains or becomes entitled to a certificate of exemption from labour shall, unless he surrenders as hereinafter provided his right thereto, be entitled to be provided with a return passage to the port in India whence he sailed to this Colony, on payment by him if not destitute or disabled, of the sum hereinafter specified, but if destitute or disabled, then without any payment by him.

(2.) The sum referred to in the preceding sub-section shall be in the case of any male immigrant one-half and in the case of any female immigrant, one-third, of the passage.

(3.) Subject to the proviso hereinafter contained and without prejudice to any right to a return passage conferred by sub-section (1) every person who is the child or dependant or wife of any such immigrant as is mentioned in that sub-section shall, whatever may be the period during which such person has resided in the Colony, be entitled without payment to be provided with a return passage or passage to the port in India to which his or her natural or adoptive parent or her husband returns in the same ship in which he returns but not otherwise: provided always that no such person as aforesaid shall be entitled to a return passage or passage to India without payment if,—

(*a.*) Such person is an immigrant who being an adult was engaged in India and subsequently introduced on the terms that he or she should contribute part of the cost of his or her return passage;

(*b.*) Such person is an immigrant who has surrendered as hereinafter provided his or her right to a return passage;

(*c.*) Such person having been born in this Colony, has surrendered the right to a passage to India which he or she has acquired under sub-section (3) of this section;

(*d.*) Such person being a child or dependent under the age of twelve years, the Governor deems it desirable in his or her interest that such person should remain in the Colony;

(*e.*) Such person is under indenture upon which an indenture fee has been paid, and the commutation money has not been paid to his or her employer.

(4.) Every immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a return passage under this section.

(5.) In the case of any immigrant who after his return to India is again introduced into this Colony as an immigrant his right to a return passage under this

section shall be subject to any condition in his engagement in India, that such persons shall have no right to a return passage.

(6.) The Immigration Agent General may with the express sanction of the Governor in any particular case for special cause relax any of the conditions contained in the proviso to sub-section 3, or the provisions of sub-section (4) of this section.

(7.) Nothing in this section shall affect the rights of any immigrant introduced before the season commencing in 1898, but the right of any such immigrant to a return passage, unless he or she has surrendered as hereinafter provided, his or her right thereto, shall be governed by Section 199 of the Principal Ordinance, as if such section had not been repealed.

Surrender of right to return passage.

10. Any Immigrant who has completed a continuous residence of ten years in the Colony and has during that time, obtained or become entitled to a certificate of exemption from labour, or any person entitled to a free passage to India in the same ship with any immigrant may, in consideration of a grant or transport of land or of a money payment or of all or any of such considerations, surrender his right under this or any other Ordinance to a return passage: Provided always that no surrender of her right to a return passage or passage to India made by any female immigrant or woman who is married shall be valid unless her husband consents thereto.

Exclusive right of female immigrants to consideration given in lieu of return passage.

11. In every case in which any land is granted or transported or money paid to any woman in lieu and satisfaction of her right to a return passage free of cost or at a reduced cost, such land or money shall notwithstanding any marriage then existing or thereafter contracted be at all times held, enjoyed and disposed of by her as if she had never been married.

Grants and transports of land in satisfaction of rights to return passages.

12.—(1.) In every case in which any person surrenders his right to a return passage in consideration wholly or in part of any grant or transport of land a statement shall be inserted in such grant or transport that the land is granted or transported in complete or partial (as the case may be) satisfaction of such person's right to a return passage: and if such person be a female there shall also be inserted a statement that the land is to be at all times held, enjoyed and disposed of by her notwithstanding any existing or future marriage, as if she had never been married.

(2.) The husband of any woman to whom any land is to be granted or transported in satisfaction wholly or in part of her right to a return passage shall (unless he has previously consented in writing to her surrender of her right,) be made a party to and execute any such transport and shall in case of such grant (unless he has previously consented as aforesaid), sign a consent thereon to the surrender by such woman of her right to a return passage. Such execution and signature or such consent in writing shall be conclusive evidence of his consent. Any such consent in writing as aforesaid shall be annexed to the transport or grant made to such woman.

Declaration of Village Settlements.

13. The Governor-in-Council may at any time declare any Settlement of East Indian Immigrants, to be a Village Settlement for the purposes of this Ordinance.

General control thereof.

14. Subject to the directions of the Governor, the control and management of Village Settlements shall be vested in the Immigration Agent General.

Application to Village Settlements of provisions of the Public Health Ordinance, 1878, and the Villages Ordinance, 1892, No. 3 of 1878. No. 6 of 1892.

15.—(1.) For the purposes of this Ordinance the Governor-in-Council may confer and impose upon the Immigration Agent General such and so many as the Governor-in-Council shall think fit of the powers and duties which are conferred and imposed upon the Central Board of Health by the Public Health Ordinance, 1878, and the Village Ordinance, 1892, or by either of those Ordinances; and may from time to time by order, declare any section or sections of either or both of the said Ordinances to apply to or be in force within any Village Settlement; and may also at any time revoke and annul any such Order or any part thereof.

(2.) Wherever in any section of the Public Health Ordinance, 1878, or of the Village Ordinance, 1892, which has been declared to apply to or be in force in any

Village Settlement, the words "Central Board of Health" occur, the words "Immigration Agent General," and wherever the words "Village District" or the word "Village" occurs or occur, the words "Village Settlement" shall for the purpose of this Ordinance be read in lieu thereof.

Delegation by Immigration Agent General of powers conferred on him.

16. The Immigration Agent General may, subject to the approval of the Governor, delegate the exercise and performance of any of the powers and duties conferred and imposed upon him under the provisions of this Ordinance, to any Immigration Agent, or any person who may from time to time be nominated and appointed by the Governor to be the Superintendent of any Village Settlement.

Amendment of Form 6 Sch. Ord. 18 of 1891.

17. The following Form is hereby substituted for Form 6 in the Schedule to the Principal Ordinance:—

Section 52.

FORM No. 6.

Indentured List of Immigrants, Ex Ship 19 , Allotted to Pln.

Register No.	Name.	Father's Name.	Sex.	Age.	Height.	Bodily Marks.	Date of Indenture.	Amount of Fee.	No. of Wife, Husband, or Parent.	Remarks.

This Indenture witnesseth that from this date the Immigrants scheduled above have been duly indentured by the Immigration Agent General to to reside on Pln. for five years, and to serve as labourers thereon, the male immigrants for five years and the female immigrants for three years, subject nevertheless in all respects to the Immigration Ordinance, 1891.

.....

Immigration Agent General.

Proprietor (or as the case may be).

Dated this day of 19 .

Repeal

18. Section 199 of the Principal Ordinance is hereby repealed.

TRANSVAAL.

CORRESPONDENCE

RELATING TO

CONDITIONS OF NATIVE LABOUR

EMPLOYED IN

TRANSVAAL MINES.

Presented to both Houses of Parliament by Command of His Majesty.
May, 1904.

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1904.

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TRANSVAAL.

CORRESPONDENCE

RELATING TO

CONDITIONS OF NATIVE LABOUR

EMPLOYED IN

TRANSVAAL MINES.

No. 1.

MR. LYTTELTON to HIGH COMMISSIONER SIR A. LAWLEY.

(Sent 7 p.m., December 7, 1903.)

TELEGRAM.

[*Answered by No. 2.*]

December 7. No. 1. Please send by mail as soon as possible report on statements made by witnesses before Cape Parliamentary Committee on Glen Grey Act as to unpopularity among Cape natives of service on the Rand.

No. 2.

HIGH COMMISSIONER VISCOUNT MILNER to MR. LYTTELTON.

(Received January 16, 1904.)

High Commissioner's Office, Johannesburg,
December 28, 1903.

SIR,

WITH reference to my telegram, No. 369, of December 24th,* I have the honour to forward a copy of report by the Commissioner for Native Affairs, Johannesburg, on the statements made before the Cape Committee on the Glen Grey Act as to the unpopularity among Cape Colony natives of service on the Rand.

A copy of Mr. Brownlee's Report will be forwarded to you by next mail.

I have, &c.,
MILNER,
High Commissioner.

Enclosure in No. 2.

DEPARTMENT OF NATIVE AFFAIRS.

December 23, 1903.

SIR,

I HAVE the honour to acknowledge receipt of your letter, No. 5685, of December 8th, enclosing copy of telegram from the Secretary of State, and requesting my observations on the subject of statements made before the Cape Committee on the

* Not printed.

Glen Grey Act as to the unpopularity among Cape Colony Natives of service on the Rand.

On receipt by me of report by the Select Committee I entered into communication with the Cape Authorities with a view to the despatch of a representative deputation of natives from the Cape to come to Johannesburg and investigate the conditions now existing at any and all mines they might desire to see.

The Deputation proceeded to the Transvaal in September last under the charge of Mr. W. T. Brownlee, Resident Magistrate of Butterworth. They were afforded every facility and help in pursuing their enquiries.

In his report Mr. Brownlee states: "Speaking generally I think the conclusion that we have arrived at may be regarded as fairly correct, and that is that the treatment is generally good. While there were two or three instances which came under our observation in which labourers had been ill-treated, yet we gathered that on the whole their treatment is good, and that the mine owners and compound managers are anxious to make the treatment and condition of the native labourers as congenial to them as possible. Various employers of labour expressed their determination to at once dismiss any European subordinate found guilty of in any way ill-treating native labourers, and the Government on their part have appointed a large number of Inspectors whose duty it is to visit the mining compounds and personally enquire into any cases of ill-treatment that the labourers may wish to bring forward.

* * * * * * *

"I have very much pleasure in saying that the members of the Deputation expressed a desire that the Honourable the Prime Minister would convey to the Transvaal Government their thanks for the very material assistance that was afforded us by that Government in prosecuting our enquiries, as officers of the Native Affairs Department were detailed to accompany us in our visits to the various compounds and to see that every facility was afforded us of obtaining the information we required."

A copy of Mr. Brownlee's report will, I presume, in due course be sent to the Secretary of State.

I enclose copy of a report called for by me from the Chief Inspector dealing clearly with various complaints and phases of the question.

It must be borne in mind that making no allowance for those considerable numbers who have come and gone again there are at Witwatersrand engaged in service, at the mines and in other industrial employ, a mass of natives numbering at the present time not less than 128,000.

However useful and however drastic laws may be for the control of such a large number, collected as they are from all parts of the Continent, it is idle to suppose that irregularities and cases of legitimate complaint will not occur. But every reasonable provision is made for dealing with irregularities by the institution of a special native court presided over by an experienced magistrate, and by the appointment of a body of inspectors to both of whom all natives if they wish it have access.

Upon the general question of the conditions of life on the mines I shall deal in a Blue Book report now being prepared, and will only say here that those conditions have been much improved.

The natives of the Cape do not now care to seek work on the mines as a rule, they prefer overground work. They can obtain at the Coast Ports and other centres of labour in the Cape a much higher rate of wage than at the mines, and are elated on account of the privileges they enjoy at the Cape in the matter of the franchise, and the ability to obtain spirituous liquor at pleasure. These attractions outweigh those which are offered here, and in my opinion go a long way to account for the alleged unpopularity of service in the Transvaal.

The natives who gave evidence before the Select Committee on the Glen Grey Act were drawn from a class who are not manual labourers, and are rather inclined to look down upon it. In drawing attention, as they did, to the inconveniences of railway travelling, they expressed no doubt the opinion of native labourers from all sides who have suffered for want of provision of sufficient and suitable accommodation. I believe that the manner in which they were formerly buffeted about in cattle

trucks during, and immediately after, the war had a deterrent effect upon the supply of labour; but this matter has engaged my attention for a long time, and I am glad to say that the railway arrangements on all the systems are now much improved. This is one of the matters occupying the consideration of the Inter-Colonial Native Affairs Commission now sitting, and evidence upon the subject has been freely taken at the Cape.

Without prejudging the views to be expressed by that Commission I may record my opinion that the Cape natives as a rule prefer domestic service, municipal and railway work, to mine work, because risks are less, and the wages higher.

The natives stated before the Select Committee, that they were beaten, that the food was bad, and that no proper provision was made for their treatment in case of illness.

With regard to the allegation about being beaten no power is vested in any mining authorities to inflict punishment. That is reserved for the officers of the law. But of course it is necessary to maintain discipline on mines where there are thousands of natives working, and for that reason the mining authorities are bound to employ supervisors and overseers. Occasionally it has happened that these men whether white or black have exceeded their powers, and whenever such has been discovered it has been properly dealt with.

Changes of a beneficial nature have been made in the matter of dietary, sickness, and hospitals, and I am quite satisfied with the progress that has been usefully made in these respects. That progress has been better and the more rapid because the great employers of labour have as a whole appreciated the situation and realised that if labour is to be attracted to the gold fields the conditions of life must be made as sound and congenial as possible for the native labourer.

I have, &c.,
G. Y. Lagden,
Commissioner for Native Affairs.

The Imperial Secretary,
Johannesburg.

Memorandum on unpopularity among Cape Colony natives of service on the Rand.

In discussing this question it appears desirable to touch lightly on the character of the Cape Native, the degree to which he assimilates himself to his fellow labourers and adapts himself to prevailing conditions of work on the Rand, and to what extent his personality is responsible for any feeling of dissatisfaction which may exist.

As a general principle it may be accepted that the Cape Native has had more civilising influences brought to bear on him than has any other native of South Africa. His close association with European races has engendered in him a more independent and litigious spirit, has quickened his intellect and, I regret to say, nas inculcated into his nature certain vices less prevalent in natives from other territories. These traits have a marked influence in his general happiness and comfort on the mines. He is impatient of control, and when brought to task exhibits a spirit ill-calculated to secure the good opinion of those in authority over him. In his dealings with other aboriginal tribes he takes little pains to mask the contempt with which he regards their intelligence, and is domineering and insolent, while his tendencies to indulge in liquor and the smoking of hemp—which unfit him for work—bring him into conflict with those in authority.

Misrepresentations on the part of unscrupulous labour agents as to terms of agreement have infrequently come to my notice, and in such instances where sufficient evidence was forthcoming the licences of such agents have been cancelled. That such misrepresentations should be made is the natural outcome of paying agents on commission or by results, which, however, is the only business proposition possible. Unscrupulous persons profit by the credulity of the native with a view to gaining the capitation allowance. This feature is one which I do not consider

it possible to altogether remedy, owing to the frailty of human nature. The greatest discrimination is used in the issue of labour agents' licences, and the Regulations under Proclamation 38 of 1901, as amended by Government Notice 1195 of 1903, copy attached, are so stringent that few individuals have the temerity to transgress.

Apart from the Regulations for labour agents, Section 22 of the Pass Regulations for labour districts reads as follows:—

"Every native accompanied by a licensed labour agent shall before being granted a passport be questioned by the official as to the terms of his agreement of service, and whether such service is voluntary on his part. In the event of it being found that there was coercion or misrepresentation on the part of the labour agent in obtaining the service of such native, or that the agreement of service is in other respects void, such native may be sent back to his home at the expense of the labour agent or his employer."

The terms of this section have in a few instances been extended, and natives have at their own request been discharged from their liability to the agent concerned, and given permits to seek work locally.

It is possible that misunderstandings may have occurred owing to the different interpretations of the term "month," as explained by Mr. Brownlee; but when it is remembered that natives who have worked on the mines are scattered over all parts of the Cape Colony, it is not unreasonable to suppose that the great bulk of natives understand the method of "tickets" employed on the Rand. As, however, a system has been lately introduced of registering mine natives at a daily rate of pay, and as, I am informed, the same system has been adopted by the Witwatersrand Native Labour Association in the contract sheets, it is hoped no further misconceptions will arise on this point.

Cases of unlawful deduction of wages from natives employed on mines, which at one time were more or less numerous, have become practically unknown. It is true that even now a small percentage of private persons deduct pass fees from the natives in their employ, this being due to the failure of the public to realise that no deduction is permissible under the present law; but this practice has, for a considerable time, been non-existent on the mines, and as the natives themselves are beginning to understand that they are not liable for the fees, employers who make such deductions come under notice, and are dealt with accordingly.

In the case referred to by Mr. Brownlee, and which was, I think, the only one which came under his notice, the offender was brought before the Magistrate and punished.

The question of assaults committed by Europeans and native supervisors employed by the mines on native labourers is one which has much occupied the attention of this Department, and special instructions have been issued to Inspectors on the subject. For years, under the late Government, the system was in vogue of inflicting summary corporal chastisement where punishment was conceivably due. This principle, in a modified form, is accepted by almost all compound overseers, and, I may say, with almost all persons who come in contact with natives. This being so the new order of things was distasteful, and great difficulty has been experienced in securing conformity to the legal procedure. This has now been secured as regards those responsible, but cases of assault still occur where ignorant miners strike natives probably for no other reason than that the natives are unable to understand orders given to them in the most elementary form of "kitchen Kaffir." When such cases have come to the notice of Inspectors of this Department representations have at once been made to the management of the mine, and in almost all cases the result has been the dismissal of the European employee. Much has also been done by inculcating into the minds of compound overseers that they, and they only, are the persons at whose instance justice should be done to native delinquents.

As regards assaults committed by native supervisors (or as they are generally called—police—though the term is a misnomer) in the generality of cases such assaults are committed as the outcome of an assertion of authority, and it is difficult to determine which was the assailant, the native coming worst out of the encounter being usually the complainant. Cape Colony natives affecting as they do to despise natives from other territories, a certain amount of tribal animus prevails

which occasionally leads to a breach of the peace. In all cases where native police have been known to assault other natives, they have been punished, and, although individual instances still occur, I regard the prevailing conditions on this score as satisfactory.

The quantity and quality of food supplied to native labourers is a question which has constantly occupied the attention of this Department, and the food now supplied is incomparably better than in the pre-war days. Some difficulty has been experienced in testing the quality of mealie meal supplied, as expert knowledge is required. This has, however, been overcome by the assistance of Dr. Sansom, Medical Adviser to this Department, to whom samples of meal supplied are sent. When there is any doubt of its quality an analysis is obtained, and if found defective a better quality of meal is insisted upon. In all fairness I may state that in most instances that have come to my notice it is the intention of the management to supply good meal, and in cases where this has not been done it is largely due to the cupidity of the purveyor.

In addition to the hospital accommodation on the mines themselves, groups of mines combine for the upkeep of what is termed a joint hospital, to which cases of a very serious nature are sent. These joint hospitals are well appointed, and are usually under the management of a qualified matron. In the few instances where more accommodation is required representations have already been made, and in the majority of cases the new buildings are in process of construction.

The term "stocks" is the one applied to the mine detention room. The sobriquet is a relic of former days. "Stocks," as understood by us, are no longer tolerated. The mine detention room is, I consider, an absolute essential, as being the only means of controlling riotous and quarrelsome natives. It must be remembered that in the majority of cases mines are situated a very considerable distance from any Charge Office or Gaol, and as it not infrequently happens that a native "runs amuck," it is necessary that he should be promptly dealt with in order to prevent further developments. Nearly all mines are connected with Inspectors' Offices by telephone. On receiving a communication from a mine that a native has been placed in the detention room an Inspector at once proceeds to the mine and adjudicates the case. The term for which such native is under detention thus seldom exceeds a few hours.

All compound overseers hold their positions as such under licences which are liable to be cancelled, and any abuse of their powers or privileges would at once deprive them of their means of earning a living. It is absolutely essential that men who are responsible for the control of large numbers of natives should have certain *locus standi*, and I may say that all compound overseers are men of experience, and that if error exists it is in the circumscribed limits of their discretionary powers.

The great majority of Cape Colony Natives employed in labour districts in the Transvaal are either in domestic service or employed by contractors or on the railway. I attribute this more to the personal dislike of the restrictions of compound life and their unpopularity among other aboriginals, than to any actual grounds of complaint. On 30th November last the total number of Cape Colony natives employed in labour districts was 12,602. Of this number 3,377 were employed on mines, 1,732 in Government employ, chiefly railways, and 7,493 in domestic and other services.

Considering the native tendency to ventilate grievances whether real or imaginary, when given an opportunity of doing so, I am not dissatisfied with the result of Mr. Brownlee's investigation. That individual cause of complaint should exist is regrettable but I think inevitable. I do not consider that the Cape Colony native employed on the goldfields of the Transvaal labours under any disabilities for which his personality is not accountable.

H. S. Cooke,
Acting Pass Commissioner and Chief Inspector.

Johannesburg,
December 17, 1903.

No. 3.

HIGH COMMISSIONER VISCOUNT MILNER to MR. LYTTELTON.

(Received January 25, 1904.)

High Commissioner's Office, Johannesburg,
January 4, 1904.

SIR,

WITH reference to my despatch of December 28th.* I have the honour to enclose, for your information, copies of two despatches from the Governor of the Cape, respecting statements made before the Cape Committee on the Glen Grey Act as to the unpopularity among Cape Colony natives of service on the Rand.

I have, &c.,
MILNER,
High Commissioner.

Enclosure 1 in No. 3.

GOVERNOR, Cape, to HIGH COMMISSIONER.

MY LORD, Government House, Cape Town, December 18, 1903.

I HAVE the honour to transmit to Your Lordship, for your consideration, a copy of a Minute from Ministers respecting the Enquiry into the conditions of labour and the treatment accorded to native labourers employed on the mines at Johannesburg.

I have, &c.,
WALTER HELY-HUTCHINSON.

His Excellency
The Right Honourable
Viscount Milner, G.C.B., G.C.M.G.,
&c., &c., &c.

(No. 1/665.)
(Minute.)

Prime Minister's Office, Cape Town,
December 17, 1903.

Ministers have the honour to forward herewith, for the information of His Excellency the Governor, and for favour of transmission to His Excellency the High Commissioner, copies of the correspondence specified in the accompanying Schedule giving the result of the investigations made by the delegation of Native representative Headmen which recently proceeded from the Transkeian Territories and Colony proper to Johannesburg with a view to enquiring into the conditions of labour and the treatment accorded to native labourers employed on the mines in that vicinity in order that they might report and suggest any measures by which a greater supply of labour may be induced to go to these mines.

Ministers beg further to recommend that His Excellency may be pleased to convey through the High Commissioner an expression of this Government's appreciation of the courtesy extended to Mr. W. T. Brownlee and the native delegation by the Government of the Transvaal during their visit at Johannesburg, and for the many facilities afforded them of successfully carrying out the project of their visit.

J. GORDON SPRIGG.

SCHEDULE.

(1.) August 4, 1903.—Memorandum by the Secretary to the Native Affairs Department on notice of motion by Mr. Fuller as to advisability of sending delegation of representative Headmen from the Cape Colony to enquire into the conditions of native labour on the Rand.

(2.) Secretary to the Native Affairs Department to the Chief Magistrate, Umtata. August 18, 1903. Conveying instructions for selection of representatives from the Transkeian Territories for delegation.

(3.) Secretary, Native Affairs Department, to the Civil Commissioner of (1) Glen Grey, (2) Peddie, (3) Alice, (4) Queenstown, and (5) Herschel. August 18, 1903. Conveying instructions for selection of representatives from several districts for delegation.

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* No. 2.

(4.) The Assistant Chief Magistrate, Umtata, to the Secretary, Native Affairs Department. October 22, 1903. Forwarding report by Mr. W. T. Brownlee as to result of investigations made by delegation.

(5.) Mr. W. T. Brownlee to the Chief Magistrate, Umtata. August 15, 1903. Report, together with annexures, by Mr. Brownlee as to the result of investigations made by delegation.

(6.) The Assistant Chief Magistrate, Umtata, to the Secretary, Native Affairs Department. October 30, 1903. Forwarding report by Mr. Brownlee, together with annexure relative to system of payment at present in vogue in the Transvaal Mining Companies.

(7.) Telegram. Secretary, Native Affairs Department, to the Chief Magistrate, Umtata. October 31, 1903. Calling for written statements from the various Transkeian delegates as to result of visit.

(8.) Telegram. Secretary, Native Affairs Department, to the Civil Commissioners of (1) Peddie, (2) Alice, (3) Queenstown, (4) Glen Grey, and (5) Herschel. October 31, 1903. Calling for written statements from the various Colonial delegates as to result of visit.

(8A.) The Acting Chief Magistrate, Umtata, to the Secretary, Native Affairs Department. November 26, 1903. Forwarding written statements from delegates representing districts of Engoobo, Idutywa, Kentani, Lusikisiki, Mqanderli, Nqamakwe, Qumbu, Tsolo, Umtata, Umzimkulu and Willowvale.

(9.) The Civil Commissioner, Alice, to Secretary, Native Affairs Department. November 4, 1903. Forwarding written Statement by delegate.

(10.) The Civil Commissioner, Queenstown, to Secretary, Native Affairs Department. November 5, 1903. Forwarding written Statement by delegate.

(11.) The Civil Commissioner, Herschel, to Secretary, Native Affairs Department. November 5, 1903. Forwarding written Statement by delegate.

(12.) The Civil Commissioner, K.W. Town, to Secretary, Native Affairs Department. November 16, 1903. Forwarding written Statement by delegate.

(13.) The Civil Commissioner, Peddie, to Secretary, Native Affairs Department. November 17, 1903. Forwarding written Statement by delegate.

(14.) The Civil Commissioner, Glen Grey, to Secretary, Native Affairs Department. November 19, 1903. Forwarding written statement by delegate.

HOUSE OF ASSEMBLY.

Tuesday, the 4th August, 1903.

Notice of Motion.

No. 7. Mr. Fuller to ask the Prime Minister if he will take into consideration the importance of sending representative headmen from large native centres, both in the territories and the Colony, to Johannesburg to enquire into the treatment of labourers at the mines, in order that they may report and suggest any measures by which a greater supply of labour may be induced to go to these mines?

(1.)

Memorandum.

This is a question that has been touched upon in the course of enquiry by the Select Committee on the working of the Glen Grey Act.

It may be mentioned that a suggestion to send representatives to enquire into the conditions of native labour at the goldfields had already been made to the people of the Glen Grey District, and that when this was brought to notice Government undertook to arrange with the Transvaal Government for granting the necessary facilities for such enquiry and instructed the Civil Commissioner to advise the people accordingly. It has not yet transpired what action the people desire should be taken.

The suggestion now put forward is for a broader enquiry, in which all native centres should be represented. The object is a good one, and will, it is considered, serve a good purpose. It is therefore proposed to instruct the Chief Magistrate to bring the matter before the Transkeian Territories General Council with a view to

that body appointing, say, two representatives for this purpose; similarly the Glen Grey District Council might depute one of its members, and meetings could be held in East and West Pondoland, Herschel, the Oxkraal and Kamastone Location (Queenstown) King William's Town, Victoria East, and Peddie, in order that representatives might also be delegated from those centres making the number twelve in all.

The representatives or delegates might be sent to Johannesburg in charge of some such officer as Mr. W. T. Brownlee or Mr. M. W. Liefeldt, proper arrangements being previously made with the Transvaal Authorities.

W. G. CUMMING,
Secretary to the Native Affairs Department.

Native Affairs Office,
Cape Town,
August 4, 1903.

P.S.—The number of delegates as representative of the various centres were eventually somewhat increased.

(2.)

(No. 1/546.)

Proposed visit of native representatives to enquire into the conditions of native labour at the goldfields.

SIR, Native Affairs Office, Cape Town, August 18, 1903.

I AM directed to inform you that a matter of considerable importance has been recently brought prominently to the notice of Government by Parliament as to the desirability of sending representative headmen from large native centres both in the Colony and the Transkeian territories to Johannesburg to enquire into the treatment accorded to labourers employed on the mines, in order that they may report and suggest any measures by which a greater supply of labour may be induced to go to these mines.

The object is undoubtedly a good one, and will, it is considered, serve a good purpose. The Right Honourable the Prime Minister desires me, therefore, to request that you will be good enough to bring the matter before the meeting of "The Transkeian Territories General Council" to be held at Umtata on the 26th instant with a view to that body appointing four representatives for this purpose.

It is also desired that meetings should be held in East and West Pondoland in order that representatives may also be delegated from those centres. I may mention that in addition to the above it is proposed to send delegates from Glen Grey, Herschel, the Oxkraal and Kamastone Location in the District of Queenstown, King William's Town, Victoria East, and Peddie.

It is suggested that these delegates should be sent to Johannesburg in charge of some competent officer thoroughly versed in native affairs, and I am to request you therefore, to be good enough to submit your recommendation as to the officer in your opinion best qualified for the position, and one whose services, moreover, it will be practicable to temporarily spare for the duty.

The Honourable the Commissioner for Native Affairs, Johannesburg, has already been communicated with on the subject, and has intimated his desire of co-operating as far as possible with this Government towards the attainment of the object in view, which is one of such vital importance to both Colonies, and a matter involving so many reciprocal interests. The Honourable the Commissioner has further expressed his readiness to afford all facilities in his power to these representatives during their visit at Johannesburg.

No definite action can be taken in the matter until after the conclusion of the General Council meeting; but it is desired that the Delegates should leave as soon after that date as will allow of the necessary arrangements in connection with their visit being conveniently made. This will, it is hoped, be towards the middle or end of September next.

I have, &c.,
W. G. CUMMING,
Secretary to the Native Affairs Department.

The Chief Magistrate,
Transkeian Territories,
Umtata.

(3.)

(1/552.) Native Affairs Office, Cape Town, August 18, 1903.

PROPOSED visit of native representatives to enquire into the condition of native labour at the Gold Fields.

SIR,

I am directed to inform you that a matter of considerable importance has been recently brought prominently to the notice of Government by Parliament as to the desirability of sending representative headmen from large native centres both in the Colony and the Transkeian Territories to Johannesburg to enquire into the treatment accorded to labourers employed on the mines, in order that they may report and suggest any measures by which a greater supply of labour may be induced to go to these mines.

The object is, undoubtedly, a good one, and will, it is considered, serve a good purpose. The Right Honourable the Prime Minister desires me, therefore, to request you to be good enough to convene a meeting of the headmen in your division, with a view to the election of a representative for this purpose.

I may mention that in addition to the above it is proposed to send delegates as representative of "The Transkeian Territories General Council," the territories of East and West Pondoland, the Districts of Herschel, King William's Town, Victoria East, Peddie and the Oxkraal and Kamastone Location, in the District of Queenstown.

The expense actually and necessarily incurred by the Delegates will, of course, be borne by the Government, and arrangements are now being made for the selection of some competent officer thoroughly versed in native affairs to proceed with the Delegates to Johannesburg.

The Honourable the Commissioner for Native Affairs, Johannesburg, has already intimated his desire of co-operating, as far as possible, with this Government towards the attainment of the object in view, which is one of such vital importance to both Colonies, and a matter involving so many reciprocal interests. Sir Godfrey Lagden has further expressed his readiness to afford all facilities in his power to these representatives during their visit at Johannesburg.

No definite action can be taken in the matter until after the conclusion of the next meeting of "The Transkeian Territories General Council," which takes place on the 26th instant; but it is desired that the delegates should leave as soon after that date as will allow of the necessary arrangements in connection with their visit being conveniently made.

This will, it is hoped, be towards the middle or end of September next, and it is desired that in the meantime you will take the necessary steps with a view to ascertaining the wishes of the headmen as to the appointment of their representative, reporting their decision as soon as possible to this Office, supplemented by any remarks or suggestions you may deem advisable.

I have, &c.,
W. G. CUMMING,
Secretary to the Native Affairs Department.

The Civil Commissioner,
Glen Grey.

(4.)

(No. 1/921/1903.)

Deputation to investigate conditions of native labour at the Rand.

Office of the Chief Magistrate, Transkeian Territories, Umtata,
October 22, 1903.

SIR,

I HAVE the honour to enclose duplicate letters, Nos. 29, 47, and 49, dated 15th instant, from the Resident Magistrate, Butterworth, on the above subject. Mr.

Brownlee and the Native Delegates appear to have made the most thorough inquiry possible in the time, and under the conditions shown, receiving for this purpose every assistance from the Officers of the Transvaal Government.

The enquiry, I think, clearly establishes that misrepresentations with regard to wages are made by the Labour Agents, that occasionally wrongful deductions are imposed; assaults by European overseers and the Native Police are of frequent occurrence, and that the system pursued in calculating the time for which wages are due is not intelligible to the ordinary native, and is the cause of much of the distrust existing. If these defects are remedied I have no doubt that some of the objections which the Transkeian natives now have to going to Johannesburg would be removed. But the wages paid are undoubtedly less than before the war, and as long as the natives can obtain more remunerative labour elsewhere, the labour supply to the goldfields is not likely to be much augmented from these sources.

I have, &c.,
A. H. STANFORD,
Assistant Chief Magistrate.

The Secretary,
Native Affairs Department,
Cape Town.

(5.)

Result of enquiry of Native Deputation from Cape Colony to Transvaal.

Office of the Resident Magistrate, Butterworth,
October 15, 1903.

SIR,

I HAVE the honour to inform you that in pursuance of instructions contained in telegrams Nos. 2523, of September 8, 1903, from Tembu, and No. 955, of September 4, 1903, from natives, copies of which I attach, I started from Butterworth on Friday, the 18th September, for the purpose of proceeding to Johannesburg, there to give evidence before the Labour Commission, and with a deputation of native headmen from the various Native Districts throughout the Cape Colony to enquire into the condition and treatment of native labourers from the Cape Colony at and in the neighbourhood of Johannesburg. At Imvane I was joined by the following headmen, viz.:—

N. C. Umhala, from King William's Town.
J. Gongxeka, from Peddie.
N. Bovula, from Alice.
Magodla, from Nqamakwe.
J. Mbangani, from Willowvale.
B. Sanqu, from Indutywa.
P. Madulabela, from Kentani.
D. Mtangayi, from Tsolo.
Langa, from Engcobo.
Sipendu, from Mqanduli.
Sangoni, from Umtata.
Umtengwani, from Qumbu.

We left Imvane by train on the evening of the 20th, and during the night were joined at various parts between that and Bethulie by the following:—

P. Ntlabati, from Queenstown.
T. Zwedala, from Glen Grey.
Assegai Mbuli, from Herschel.
Zondwayo and Jongo, from East Pondoland.

Mikize, the Umzimkulu representative, joined us at Johannesburg, having travelled up through Natal. We arrived at Johannesburg on the morning of Tuesday, the 22nd of September, and there the deputation was received and provided with lodgings by Officers of the Native Affairs Department, everything possible being done by the Transvaal Government to ensure their being hospitably entertained and provided with every comfort.

On the 22nd I was occupied during the whole day in giving evidence before the Labour Commission, and was in attendance there also on the morning of the 23rd,

as were also Headmen Umhala and Zwedala, who gave evidence. Later in the day I was able to make arrangements with Mr. Marwick, the Assistant Under Secretary for Native Affairs for the Transvaal, who is the Officer entrusted with the care of seeing that every possible facility was afforded the deputation of prosecuting the enquiry which we had come to make—that the deputation should, in company with various Inspectors, make a series of visits to a number of mining Compounds in Johannesburg and elsewhere.

On the 24th we began this series of visits, and were thus occupied until the evening of the 30th, the day before that on which we started on our return journey, and during that period we visited the following mining compounds:—

Jubilee and Salisbury, Village Main Reef, Village Deep, Robinson Deep, Henry Nourse, Nourse Deep, South Nourse, Langlaagte Deep, Langlaagte Estate, Robinson Company, Simmer and Jack, Glen Deep, Glen Cairn, Geldenhuis Deep, Krugersdorp, Lancaster West, Luipards Vlei, Camp d'Or, French Rand, and Windsor Gold Mines, Limited.

Besides these we visited the Railway Traffic and Maintenance Compounds and the Municipal Compound. In addition to making these visits I interviewed various heads of departments and both the members of the deputation and myself made every possible independent enquiry. The results of our enquiry may be briefly summarised as follows:—

1. *Labour Association*:—There exists in the goldfields an association called the Witwatersrand Native Labour Association which has for its object the controlling and regulating the employment and distribution of native labourers. This Association regulates the rate of wages paid to native labourers, and the great majority of the mines are affiliated with it, and have entered into an engagement to obtain labour only through its medium. The Labour Association employs a large number of recruiting agents, some of whom are paid salaries and others—the great majority—are paid only a commission proportionate to the number of labourers recruited by them. Besides these the Association employs a number of permanent officials, and to meet the expenditure thus entailed a charge is made for every labourer supplied by the Association to the several mines affiliated with it.

It is true that the rules of this Association have been relaxed so far as to permit of individual mines sending out their own recruiting agents, but subject to the stipulation that all labourers so recruited shall be passed through the books of the Association, and that the usual charge per head shall be paid for them, this charge being £2 for every labourer contracted for six, and £1 for every labourer contracted for three, months.

The rates of pay under the Association regulations are for surface boys nominally £2 10s. per month, and for underground boys nominally £3 per month; I use the word nominally because in practice the engagements are not at so much per month, but at 1s. 8d. per day and 2s. per day respectively, and this gives rise to a complication that I shall touch upon later, when dealing with the subject of complaints; meanwhile I beg to attach a copy of the Association articles of engagement and schedule of regulations, and of a contract form.

2. *Treatment.*—It will, I think, be readily conceded that under any circumstances an enquiry, having for its object the elicitation of complaints against employers by employees, is one demanding a certain amount of delicacy of handling; this difficulty we felt in a more marked degree by reason of the fact that we were in a manner dependent upon the courtesy of the people and authorities of the Transvaal, and that the employers were always present and the employees, for that very reason, were under a certain sense of moral restraint, but I think the conclusions that we have arrived at may be regarded as fairly correct, and that is, that the treatment is generally good. While there were two or three instances which came under our observation in which labourers had been ill-treated, yet we gathered that on the whole their treatment is good, and that the mine owners and compound managers are anxious to make treatment and condition of the native labourers as congenial to them as possible. Various employers of labour expressed their determination to at once dismiss any European subordinate found guilty of in any way ill-treating native labourers, and the Government on their part have appointed a large number of Inspectors, whose duty it is to visit the mining compounds and personally enquire into any cases of ill-treatment that the labourers may wish to bring forward.

Of this general desire to ameliorate the condition of the native labourer at Johannesburg we were satisfied, but that there are exceptions we were also satisfied; certain incidents leading us to this conclusion will be referred to when dealing with the subject of complaints.

3. *Food.*—On the whole we found the diet scale to be sufficient and wholesome. The staple article of diet is, of course, mealie meal porridge. The following is the diet scale generally prevailing:—

Coffee and biscuits in the morning,
Mealie meal porridge and lime juice daily,
Meat twice a week and vegetables twice a week,
Kafir beer on Saturdays and Sundays.

Some of the compounds do not supply coffee and others do not supply Kafir beer. I think these items should be included in the rations scale universally, the former as a stimulant in the morning, the latter as an anti-scorbutic.

I do not think that at any of the compounds, except one, that we visited were there any complaints made about either the quality or the quantity of the food. In the case of the exception there was a complaint that the mealie meal porridge caused pains in the stomach; I think this was probably due to the fact that the porridge was made of the meal of American kiln-dried mealies, and that possiblly the meal was stale. I consider that it would be a good thing if the use of kiln-dried mealies were discontinued, and none but fresh mealie meal were used.

4. *Hospitals.*—Attached to each of the compounds which we visited was a hospital. The accommodation in them varied very considerably. In some cases the hospitals being large, airy, and comfortable, while in others they were small, and not much attention was paid to the personal comforts of the patients. The great majority of cases was of Pneumonia.

In the cases of those compounds in the immediate vicinity of Johannesburg, it is the practice to treat only minor cases in the compound hospitals, and all serious cases are sent to the Johannesburg hospital. Compounds at a distance from Johannesburg have to rely upon their own hospital accommodation entirely, and I think it would be a good thing if some of these were enlarged, and a little more attention paid to cleanliness.

5. *Quarters.*—The mens' quarters in the compounds were found on the whole to be fairly commodious and comfortable. In these, too, a little more cleanliness might be of advantage, but as there are shifts of boys constantly in the compounds, and the quarters are thus in constant occupation day and night, and as the boys themselves are responsible for keeping their quarters in order, this is a matter which involves a considerable amount of difficulty. The sanitary arrangements were in almost every instance sufficient and good, and the lavatories in most cases excellent, fresh water—often hot and cold—being laid on in unlimited quantities, and every facility afforded the boys of keeping themselves and their clothing clean.

6. *Complaints.*—As already stated we visited some twenty-four compounds, and on the whole there were very few complaints of any serious nature. The following were those that were brought to our notice:—

(a.) At various of the compounds the boys complained of being hurried by means of the application, by the Native Police, of the "gentle stimulus" of cow hide. That there is ground for this complaint I think there can be no doubt, and at the Geldenhuis Deep, where there are a number of Pondos employed, a native policeman in our presence began an impartial administration of this form of stimulation to the crowd which surrounded us, and when asked why he did it replied that he wished thereby to show his respect for us, and to remove the crowd which he said he thought was causing annoyance. Whether this practice is universal or not what, at any rate, was noticeable was that almost without exception the compound police carried sjamboks, and at the Village Deep, where a number of boys from the Transkeian Territories are employed, there were complaints of this hustling by the Compound Police.

(b.) At this compound the urinal is at some considerable distance from the compound, and this entails considerable inconvenience to the boys at night, and two cases were brought to our notice of boys who had not waited to arrive at the urinal, but had urinated on the veldt during the night, and who had each in consequence

been fined by one of the Europeans under the Compound Manager, and in the one case also the boy complained that when caught he had been tied to some poles and left there all night, and was released only after daybreak. At the same compound one or two boys complained that they had been made to work thirty-two days before receiving their month's pay. These cases were, at the time of our visit, noted by the Inspector of Compounds, who accompanied us, and were, when we left, under judicial investigation, and since my arrival here I have received a copy of a record apparently bearing on these cases which I append.

(c.) At the Railway Maintenance Compound two Transkei natives complained of having been assaulted by Europeans in the employ of the Railway Department, the one case complained of had occurred on the day of our visit, and the other a few days previously. These cases were reported to the Superintendent of labourers on the Central South African Railway, who was instituting inquiries with the view to prosecution at the time of our leaving Johannesburg.

(d.) At various of the compounds complaints were made that the compound authorities were in the habit of putting the boys in the "stocks," but upon enquiry we ascertained that this institution, though it had existed during the time of the Republican Government had been done away with, and that in fact by the orders of the present Government all stocks had been collected and burned. Still, these statements on the part of the boys were so persistent that I followed the matter up with the result that I found that although the stocks were abolished, yet the small rooms or cells in which the stocks were usually kept still exist, and are still made use of for the incarceration of refractory or dilatory boys. This, it is needless to say, places in the hands of compound managers very great powers, and powers which should be used with a very great deal of discretion, as very often a boy might have to wait several days in a cell before his case could be investigated by the Inspector. That the administration of a certain amount of corporal correction by the compound managers exists will, I think, be admitted after a reference to the notes of an interview I had with the Chairman of the Witwatersrand Native Labour Association, copy of which I attach. I do not think that any power of this nature should be left in the hands of the compound managers, more especially in view of the fact that there are a number of Government Inspectors of Compounds whose duty it is periodically to visit the compounds and investigate all charges against labourers, and in regard to the matter of the stock I consider that if a boy is locked up in the cells, and thereby loses a day's work, or, perhaps, two or three days' work, he should, in the event of his being acquitted, be paid in full for the days during which he was so incarcerated.

(e.) I now come to what I consider the most serious complaint, and one which we found to be most wide-spread, and the existence of the cause for which there seems to be no reason to doubt, namely, that regarding pay. The complaint is of a two-fold nature, firstly, that men have been paid at a very much lower rate than that promised them by recruiting agents. In the great majority of compounds that we visited this complaint was made, and though the Labour Association authorities strenuously insisted that this state of affairs could not exist, I am satisfied that it does, and will state, in support of my conviction, the following facts:—

At the South Nourse Compound I found a few Transkei natives, and getting into conversation with one of them, ascertained from him that the treatment and food were all that could be desired. The Compound Manager, who was standing by, in a tone of surprise, told me that this very boy had a short period previously deserted and been recaptured, and after punishment sent back to work; I asked the boy what then had caused him to abscond, and he told me that he had been recruited by an agent, named Tsengiwe, who had promised him £3 15s. per month, and had sent him to the Labour Association Compound, or as it is called by the natives "Kwa Mzilikazi," that there he had been told that he was to receive £2 10s. per month, and upon his protesting that he had been engaged for £3 15s., he was told that the recruiting agent had only been making love to him, that the rate of pay was only £2 10s., and that if he did not accept that he would obtain no work; he was a stranger in a strange land, and felt himself in a manner constrained to accept the terms offered him, and so sought the earliest opportunity of escaping.

At the Champ d'Or Compound I was shown another Transkei native, who had been arrested the previous night in the act of deserting. I asked him "What made you desert? Were you being beaten?" "No, there is no stick here." "What then, did they not feed you?" "They feed us well, and there is no lack of food here."

"What then made you abscond?" "It is the money." And then followed a statement precisely similar in every respect to that told by the man at the South Nourse. There was no possible collusion between these boys as the one was twenty miles on the east of Johannesburg, and the other as many miles west.

At the Railway Maintenance Compound we found a native, named Jim Jezili, who had collected a gang of about 40 boys, and had then been taken on by a recruiting agent, named Nozala—a European woman, whose English name he did not know, but who is known to Mr. Erskine, one of the Association agents—who promised them £3 15s. per month, but that at the Association Compound they had been contracted for the sum of £2 10s. per month. I reported this circumstance to Mr. Lloyd, the Railway Superintendent of labourers, and he informed me that he distinctly recollected a case in which he had gone to the Association Compound, and was there offered a gang of boys who—so he was told by the Association Officers—said they had been recruited at £4 or £5 per month; that he refused to take them at this sum, the Association rate being £2 10s. for surface boys; that the Association authorities then decided to send the boys home without expense to themselves, but that later he got word to say that this gang, rather than go home empty-handed, had decided to accept £2 10s. per month. The gang of boys whom we saw, while admitting that they had signed on for £2 10s., still felt that they had a grievance, and, in my opinion, it is a substantial one, and one that the Labour Association would do well to take prompt and effectual means to remedy.

I have already stated that there are two rates of pay fixed by the Association, £2 10s. for surface boys and £3 for mine boys. I think there are instances when even these rates are not adhered to, for instance: at the Windsor Gold Mines, Limited, we found several boys from Tembuland and Pondoland; they stated that the treatment and food were good, and that their only complaint was about the money, as they got only £2 10s., irrespective of locality, whether surface or mine. These men stated they had been recruited by an agent named Mazwe at £3 15s. for surface boys and £4 for mine boys, but that they got £2 10s. all round. I asked them to produce one mine boy who was paid only £2 10s., and a man named Nojaholo, the son of Mkotyana, of the ward of Headman Silimela, in the Engoobo District, stood forward, and said that he had been working down in the mine for that sum. I at once referred the matter to the Compound Manager, who admitted that there was no distinction, and that under their contracts they all got only £2 10s., whether surface or mine work.

The second point in connection with pay which gives rise to complaint is this, that while the rate of pay offered boys is £2 10s. per month for surface work and £3 for mine work, these are not the sums for which they are contracted to the mines. The contract rate being 1s. 8d. and 2s. per diem respectively, according to the locality of the work. Should a boy work every day in the month, he may earn £2 10s. and £3. Now were this explained to the boys and they clearly understood that they were paid by the day, and pay would be docked for any day not worked for, and the payments made punctually at the end of the month for the days actually worked, there would be no ground for complaint, but the boy is first told that he is to get £2 10s. or £3 a month, and thinks he is a monthly servant, then in the Association Compound he is told he will be paid so much a day, and finally in the mine compound he is told that he will be paid for 30 days' work, the effect of this being that if through any fortuitous circumstances in any given month a boy has been able to work, say, only 25 days, he will have to go on and work five days into the next month before he receives his pay, and an element of confusion and dissatisfaction is at once introduced, while to make confusion worse confounded the further element of notice becomes involved. At Luipards Vlei, a native complained that he had given a month's notice to leave, and that the month had expired, and he had not been allowed to leave. Upon reference to the manager he informed me that the man was very irregular at his work; that he was not aware that the man had given notice, as there was no record of it in the Compound Books, but that in any case he would not accept notice until the man had completed 30 days work, and so filled his ticket.

Now, it seems to me that if a man is engaged by the month, and is not contracted for a given period he is entitled to give his month's notice, and to expect to leave at the end of a month, but under the present system a month is a very elastic sort of a period, and, in fact, a month is not a month at all.

The system in vogue at present is this, a boy is given a large ticket bearing 30

spaces, for each day he works he is given by the ganger a small ticket, which he hands into the Overseer, who stamps a number—beginning with 1 and running up to 30—on one of the spaces on the large ticket; as soon as he has 30 of these spaces so stamped the boy is entitled upon presentation of his large ticket to draw his month's pay, but not before, and it might very easily happen that he would work during two full calender months before receiving his 30 days' pay. I think that it would tend to minimise cause for complaints with regard to amount of pay were it to be impressed upon all labourers that they should arrange to have the contracts with recruiting agents entered into before the Magistrates of their own districts, and were instructions issued to Magistrates accordingly, and, I think, it would ease matters considerably were payments made at the end of each calendar month for the number of days actually worked during that period.

Were some amelioration effected in connection with the various particulars which I have instanced, I think it would go a long way towards inducing labourers to proceed to Johannesburg in larger numbers, and in any case there is no necessity for labourers engaging themselves to Association recruiting agents, as there is every facility afforded them of obtaining employment direct from the mining compound managers. In this case they are able to make their own selection and their own terms, and what struck me as being a significant fact was this, that we received not a single complaint from any labourer engaged independently of the Labour Association.

The question of whether the rates of £2 10s. and £3 per month are sufficient or insufficient is not one which I have felt myself called upon to enquire into or report upon; but there is a phase of the labour question which I think cannot be brought home too clearly to the mind of the native labourers of the Cape Colony, and that is that there is a section of the employers of labour in the Transvaal that is most anxious to bring about the introduction of Asiatic labourers, and, in fact, two gentlemen have already made this matter the subject of local investigation, and have submitted a report recommending the importation of Chinese; should this be carried into practice, and the Chinese should get a foothold in the Transvaal mining compounds, I think very few natives will be drawn from the Cape Colony for that centre.

In conclusion I have very much pleasure in saying that the members of the deputation expressed a desire that the Honourable the Prime Minister would convey to the Transvaal Government their thanks for the hospitality extended to them, and the very material assistance that was afforded us by that Government in prosecuting our enquiries, as Officers of the Native Affairs Department were detailed to accompany us in our visits to the various compounds, and to see that every facility was afforded us of obtaining the information we required. I also beg to make this request on my own part, as I feel that but for the assistance given us we should have been able to accomplish very little. I should be very glad also if the thanks of the Cape Government could be expressed to the various Officers of the Transvaal Government, and in a very special manner to Mr. Marwick, the Assistant Under Secretary for Native Affairs, who, as I before remarked, is the Officer to whose care we were entrusted.

I have, &c.,
W. T. Brownlee,
Resident Magistrate,
Butterworth District.

The Chief Magistrate,
Transkei Territories,
Umtata.

Notes of Interview between Mr. W. T. Brownlee, Resident Magistrate, Butterworth, and Deputation of Native Chiefs and Headmen from the Cape Colony, and Mr. T. J. M. Macfarlane, General Manager, Witwatersrand Native Labour Association, Limited, at Johannesburg, Thursday, 1st October, 1903.

Headman Assegai Mbuli:—We have seen the work for which we came up. We came up because we saw the people were reluctant to come up to work, and certainly the greater work is here. We were disappointed when our people said that the work was better in the time of the Boers than now. We had hoped that the conditions

would be better than before the war. After inspection we discerned causes for complaint that might be rectified by the persons in authority. Another thing that we regret to see is that there is an opening for Asiatics to come here to work. Our people are promised pay by the recruiting agent which they do not receive when they come up here. One thing which ought to be made right before our people can come up here is this, the complaint that they are not treated properly.

We saw the food at some places, and it was plentiful.

We have complaints about the illness of the people when they are in the compounds. When a person is sick he is forced to work, even though he complains of illness. This statement is what was told to me, and is hearsay evidence. As far as I have seen I think our people have reasonable ground for complaint about wages and about their treatment.

Mr. Brownlee:—I think on the whole that the treatment of the natives is all that can be desired, and that the managers are doing their best. There are certain compounds, however, where we have ascertained what appears to be definite cause for complaint. At the Village Deep the urinal is a long distance from the compound. The men have to make use of this at all hours of the day and night. It is rather a long way to go during the day and night, and sometimes they urinate in the open. When we were there two men told us they were fined 10s. each for urinating outside the compound. Another man complained that he was made to work 32 days for a month's pay. These cases are under investigation by Inspector Jenner, Native Affairs Department. At the Geldenhuis Deep there were complaints of being beaten by the Surface Contractors, not in the compounds. At the Railway Maintenance Compound we had two complaints of assault. A man, named "Skay," was beaten by a European Overseer working in connection with the railways, and a man, named "Jim," a boss boy, was also beaten by a European with one arm. These are under investigation, and have been also reported to the railway authorities.

I cannot get over an impression that the Native Police at compounds are in the habit of hustling boys and quickening their movements by a gentle application of cowhide. I do not think the men like this. A great complaint which has been very general throughout the mines we have visited is that of men receiving less pay than that at which they were recruited. I instance a couple of cases:—

At the South Nourse we met some of our own people. I got into conversation with one of them, and asked him about the treatment at the compound. He said it was perfectly good. I asked him what the food was like. He said it was good and plentiful. The compound manager then said, in a very surprised tone, "Well then, what caused you to abscond"? I asked the man then what caused him to abscond, seeing that the treatment was good. He said he was engaged by a native recruiting agent, named Richard Tsengiwe, of Cala, at £3 10s. per month, and he only received £2 10s. At the Champ d'Or I found a native from Herschel, who had that morning, or the previous night, attempted to escape. His case was precisely similar to that of the South Nourse in every respect, that is, that the treatment and the food were good, but he got less pay than was promised by the same recruiting agent. I think cases of this nature when bruited abroad among the natives in their homes have a deterrent effect. The impression which I have formed in my own mind of the whole thing is this, that some of these recruiting agents probably in engaging boys, mention the maximum pay which a boy may earn at the mines, and in that way induce the boys to come here, and after they arrive they find a fixed rate of pay which the various mines, affiliated with the Association, pay and the man consequently gets less than he expected.

Headman Makubalo Ntlaboti, Queenstown:—Another complaint we get is that the boys were forced to work on Sundays, and were not allowed any extra pay for that, and that it is not counted as overtime. They are not accustomed to work on Sundays, therefore they look upon the foregoing as a complaint. Another complaint is this, that Zulus are made overseers over the Cape Colony boys. The Zulus are blood-thirsty people, foolish, stupid. Light and darkness do not agree. If all these grievances were removed, and if the treatment were like that obtaining in the Cape Colony, I think boys would come up. Again, they do not see the Government Native Affairs Inspectors, and they have no means of making complaints. Another complaint is that they are crowded in their sleeping places, and there is not sufficient ventilation.

Headman Bangiso Sanggu:—One word I would like to say upon a point which has only just been touched upon, and that is, that under the heading of ill-treatment was the beating of natives which was considered by the natives as a great insult.

Mr. Macfarlane:—I have listened to what has been said with interest, and it appears to me from what I have heard that the chief complaint is the matter of wages, that some of the natives, anyhow, say that they were recruited in the country at rates higher than those at which they were paid when they arrived here. Well, now, on that point, which appears to me to be the chief point, I would like to say that the recruiters in the Cape Colony are under the head of Mr. M. S. Erskine. He has had definite instructions in writing from this Office that there are only two rates of pay at which natives are recruited, and those are 50s. per month for work on the surface and 60s. per month for work underground, for 30 days. When I say a month it is always understood, and it is always carefully explained to the natives, that 30 days have to be shown on a natives' ticket before he gets his month's pay. If, therefore, any promises have been made by recruiters for rates higher than those, they have not been authorised by the Association. At the same time I might say that possibly misunderstandings have arisen in the way Mr. Brownlee has stated, namely, that recruiters have told some natives that they might earn £3 15s. to £4 per month. I have had a sheet prepared before the Deputation came up, which shows that out of 1,182 Cape Colony Natives employed on the mines on surface work during August, 1903, there were only 54 natives at rates lower than 50s. (and the mines explain that these were umfaans), the great bulk of the natives (595) were paid at 50s., there are some 80 at 52s. 6d., some 300 at 60s., and some few others (about 130) were drawing rates of pay between £3 5s. and £5 per month. That is all on surface. Then underground there are comparatively few boys, only 39 working underground. These, of course, are recruited at 60s., and I find that 4 are paid at less than 60s. These also, it is explained, are umfaans. It appears to me that the foregoing is clearly conclusive proof that although in one or two instances there might be cause for complaint it cannot be looked upon as general. I understand that if a native, when he leaves home is told that he is going to get £3 15s., and finds when he gets there that he only receives 50s., he feels very strongly. But I would like the deputation to clearly understand that the rates I have quoted a short time ago, namely, 50s. and 60s. for the respective class of work are the maximum at which they are recruited.

With regard to the question of ill-treatment, I have looked into that myself personally, and I have visited several mines where the complaints were most bitter, and I really feel satisfied that the mine authorities in one instance where they used a certain amount of corporal correction were entitled to do so. This particular instance was one of insubordination. The headman of the gang, after repeated warnings, continued to incite the remainder of the gang to stop work and disregard reasonable and proper instructions on the part of the mine officials. This was the most serious complaint that has been brought forward to my knowledge, and as I say it appeared to me as one which called for correction on the part of the mine officials. There are also complaints about natives being hustled out of the compounds in the morning by the native police. That was made at the Robinson Mine. The compound manager stated that the Cape Colony natives were very dilatory in turning out in the morning. He warned them considerably for over a week, and it was only after that, and after disregard of these warnings, that the police took the action they did in hustling them out.

Mr. Brownlee:—This raises another point. The men are engaged at £2 10s. a month, but they are not paid that, but at 1s. 8d. per day. Why not engage the men at 1s. 8d. per day, and thus remove the impression that they will get 50s. per month? If 30 days worked is a month, six months means 180 days, but at the same time it may cover a much longer period. If a man drops out through illness, 1s. 8d. is deducted, or rather he is made to work another day in the next month. It is sufficiently difficult for him to calculate our calendar months as against his moons. You should say we will engage you at 1s. 8d. per day instead of 50s. per month.

Mr. Macfarlane:—As a matter of fact the contract forms are exactly on these lines, and the terms of the contract form have been clearly made known to the recruiters in the country. There was absolutely no idea of causing any misleading. I will, however, instruct the recruiters to put plainly before the natives the fact that they are engaged at 1s. 8d. or 2s. per day.

Mr. Brownlee:—If the boys were told that they were paid at 1s. 8d. a day, each month could be dealt with separately. It is the feeling of the Cape Colony boys that they should be engaged at 1s. 8d. or 2s. per day, and not at so much per month.

Headman Ntlaboti, Queenstown:—It was stated at the Windsor Mine that no difference was made between underground and surface workers, all being paid at 50s. per month. Mr. Brownlee's notes on this point read: The boys were engaged at Indwe by Marsway at £3 15s. They signed on at £3 15s. with a promise that they would get £4 for underground work. The manager of the Windsor Mine remarked that the natives were all paid alike according to contract.

(N. A., 2368/1903.)

(No. 1123/1903.)

SIR, Department of Native Affairs, Transvaal, October 7, 1903.

WITH reference to the complaint of certain natives employed in the Village Deep Gold Mining Company that amounts had been deducted from the wages due to them, I have the honour to inform you that the person responsible for this irregularity has been punished.

I enclose, for your information, a copy of the proceedings in the case.

I have, &c.,

Secretary for Native Affairs.

W. T. Brownlee, Esquire,
Resident Magistrate,
Butterworth,
Cape Colony.

In the Native Court for the Witwatersrand District, held at Johannesburg before John Glen Leary, Esquire, Magistrate of the said Native Court, on the 30th day of September, 1903.

P.O. 252.

Rex versus Charles Farquharson charged with the crime of con. Sec. 37, Proclamation 18, of 1903, in that upon (or about) the 29th day of September, 1903, and at (or near) Johannesburg in the said District, the said accused did wrongly and unlawfully deduct from the wages of a native named "Charlie" the sum of two shillings, and from the wages of a native named "Picanini," the sum of two shillings and sixpence; Mr. Rigg, for the accused, applies for a postponement to October 2nd.

(Granted.)

J. GLEN LEARY,
Magistrate.

On the 2nd October, 1903, the prisoner being arraigned, pleaded "not guilty."

Mr. Rigg for accused.

Judgment.—Guilty.

Sentence.—To pay a fine of £10.

J. GLEN LEARY,
Magistrate of the Native Court.

The following evidence was adduced in the presence and hearing of the prisoner, then in his sound and sober senses.

Picanini, sworn, states: I work for the Village Deep Gold Mining Company as a monthly servant at £3 per month, from the 8th August. When I got my wages

I was paid £3 14s. 6d. The ticket produced is mine. I worked 33 days, for which I got £3 14s. 6d. All the other boys got £4. I told the Chief I was fined 2s. 6d., for committing a nuisance, by the Assistant Compound Manager.

By Mr. Rigg: The Assistant Compound Manager fined me. I was taken to the Compound Manager and he took my ticket and wrote on it. I was not asked if I consented to be fined 2s. 6d.

William Tyler, sworn, states: I am Assistant Compound Manager at the Village Deep Gold Mining Company. I get my instructions from the Compound Manager. For any offence committed in the compound I am to fine. I have to fine for nuisance committed. Other offences are to be brought to the notice of the Inspector. I fine the boys and the money is deducted by the Secretary from their pay. On each ticket I write the fine.

By Mr. Rigg: The witness said that he would rather be fined by me than go to the Inspector.

By the Court: The Secretary deducts the money not me, I simply inflict the fine and report to the Secretary, who deducts the amount. I do not know what he does with it. The boy said he would rather pay me than go to the Inspector and be fined £5 and flogged. The boys never have been fined £5 or flogged.

For defence.

Mr. Rigg: I only want to point out that no undue advantage is intended. The boy consented to be fined by the compound manager. It is only a technical offence, and I advise my client to plead guilty.

J. Glen Leary,
Magistrate.

We, the undersigned, hereby agree and contract to proceed to Johannesburg, under engagement to the Members of the Witwatersrand Native Labour Association, Limited, to work in the Transvaal Mines for not less than six months, at the rate of 1s. 8d. per day for surface work, and 2s. per day for underground work, for days actually worked, and to receive rations, quarters, and medical attendance free, during currency of contract.

No.	Native's Name.	Chief.	District.	Received advance on account of wages.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

No.	Native's Name.	Chief.	District.	Received advance on account of wages.
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				

Place . Signed before me .

Date .

(13/47/03.)

Interview with General Manager of Railways *re*.

SIR, Office of the Resident Magistrate, Butterworth, October 15, 1903.

I HAVE the honour to inform you that in pursuance of instruction contained in your telegram, No. 2504, of the 16th ultimo, copy of which I attach, I called at the office of Mr. Price, the General Manager of Railways in Johannesburg, and an interview was arranged for the 29th. On that day I met Mr. Price in his office, also the following gentlemen: Mr. Wyndham, Under-Secretary for Native Affairs, Major Micklem, Chief Railway Engineer, and Mr. Macfarlane, General Manager of the Witwatersrand Native Labour Association, and the question of native labour for the C.S.A.R. was discussed, it being the desire of the General Manager to recruit as far as possible from the Cape Colony, the C.S.A.R. at present drawing their supplies of labour from the Native Labour Association.

After a lengthy discussion it was decided that recruiting for the C.S.A.R. should be carried on independently of the Labour Association, and, so far as possible, through the officials of the Cape Colonial Government, and I undertook to recommend to that Government—as I hereby do—that their officials should be instructed to use every endeavour to induce labourers to take service with the C.S.A.R.

Mr. Lloyd, an officer of considerable experience in the management of natives, has been appointed by the General Manager of Railways as Superintendent of all native labourers on the C.S.A.R., and this officer is straining every nerve to ensure good treatment, and under him are being appointed a number of inspectors whose duty it will be to keep in constant touch with the labourers and enquire into all complaints, and the General Manager has asked me to nominate an officer from this part of the country for appointment as Inspector.

I append a Memorandum setting forth the rates of wages and diet scale offered by the C.S.A.R. authorities, from which it will be seen that provision is made for the payment of boss boys or indunas; the work of these boss boys will be to supervise their gangs and they will not be required to perform manual labour themselves,

and I would beg strongly to recommend that advantage should be taken of this offer to any respectable native, the opportunity of recruiting gangs of labourers for the C.S.A.R.

I have, &c.,
W. T. BROWNLEE,
Resident Magistrate,
Butterworth, Transkei.

The Chief Magistrate,
Transkeian Territories,
Umtata.

CENTRAL SOUTH AFRICAN RAILWAYS.

MEMORANDUM of terms, &c., under which natives are engaged by the Central South African Railways.

RATES OF PAY.

General Manager's Office, Johannesburg.

Wages will be paid at the rate of one shilling and eightpence (1s. 8d.) for each and every day actually worked, plus food.

Payments will be made monthly when the number of days *(actually worked)* will be paid for according to the number of tickets held.

Food will be provided on days on which no work is done, such as Sundays, &c.

FOOD.

Consists of the following:—

Mealie Meal.—Up to 3 lb. per day.

Salt.—½ oz. per day.

Meat.—2 lbs. of fresh meat per week, when procurable. This may be varied by issue of tinned meat should no other be available.

Vegetables.—1 lb. each per week. Pumpkins and potatoes, or such vegetables as may be in season.

Treacle.—Is also issued in a fairly liberal manner at the big centres.

CONTRACTS.

All contracts to be for six (6) calendar months, and are to be signed and agreed to before a Resident Magistrate at the place of engagement, and to be confirmed before the Government Pass Official on arrival in the Transvaal, or Orange River Colony, as the case may be.

CONDUCTORS.

Arrangements will be made whereby any competent native who may be selected to come up in charge of natives coming to work will be paid for so doing. Payment for this work will be at the rate of 3s. per day, plus one shilling per day for food, to commence from a day to be stated in a certificate from the officer before whom the natives sign the contract. Such officer will state the day from which such payment should be made; and, in addition, reasonable time will be allowed for the return journey, which will also be paid for, and a free pass to and fro will be provided.

BOSS BOYS, OR INDUNAS.

Should any influential native elect to come up with a gang of natives, to remain with them for the period of their contract, such native will receive payment at the special rate of 2s. 6d. per day, plus food, when with a gang of not less than twenty-five (25), or, when in charge of a gang of not less than fifty (50), he will be paid at the rate of three shillings (3s.) per day for the days actually worked during the term of contract.

This payment will commence from the day he leaves the place of engagement, certificate to this effect to be obtained from the officer as aforesaid.

GENERAL.

Free rail fares for all labourers will be provided from the place of engagement to their destination; and on due completion of the term of service, a free pass to the nearest station of this Administration to their homes, will be provided.

(6.)

(No. 1/1951/1903.)

Deputation to investigate the conditions of Native Labour at the Rand.

Office of the Chief Magistrate, Transkeian Territories,
Umtata, October 30, 1903.

SIR,

REFERRING to my letter, No. 1/1921/1903, of the 22nd instant, forwarding papers on the above subject, I have the honour to enclose, for your information, duplicate letter, No. 13/66, of the 23rd instant, from the Resident Magistrate, Butterworth, with enclosures, relative to the system of payment observed by the Mine Authorities at the Rand.

I have, &c.,
A. H. STANFORD,
Assistant Chief Magistrate.

The Secretary,
Native Affairs Department,
Cape Town.

(No. 13/66/1903.)

Result of enquiry of Native Deputation from Cape Colony to Johannesburg, Transvaal.

SIR, Office of the Resident Magistrate, Butterworth, October 23, 1903.

REFERRING to section "B," page 6, and the second portion of section "E," page 9, under the heading of complaints in my report, No. 13/29/03, of the 15th instant, I beg to enclose herewith copies of a letter I have received from the Secretary of the Witwatersrand Native Labour Association, forwarding one from the General Manager of the Village Deep, Limited, copy of which I also enclose.

The letter seems to me practically to contain an admission that there have been instances in which boys have actually worked for thirty-two days before receiving their pay, and this, in my opinion, emphasized the necessity for some alteration in the system of payment at present in vogue in the mining companies in the Transvaal in the direction of arranging for payments to be made at the end of each calendar month.

I have, &c.,
W. T. BROWNLEE,
Resident Magistrate, Butterworth.

The Chief Magistrate,
Transkeian Territories,
Umtata.

WITWATERSRAND NATIVE LABOUR ASSOCIATION, LIMITED.

(Telegraphic Address: "Recruiter." Telephone No. 205. P.O. Box 1198.)

Chamber of Mines Buildings, Johannesburg, October 16, 1903.

Visit of Delegation of Chief and Headmen from Cape Colony.

DEAR, SIR,

WITH reference to the complaint made by a native that while in the employ of the Village Deep, Limited, he was made to work 32 days for a month's pay, I communicated with the Company in question, and enclose, for your information, a copy of their reply.

I shall be glad if you will be good enough to communicate the explanation to the deputation.

I am, &c.,
SECRETARY,
Witwatersrand Native Labour Association,
Limited.

W. T. Brownlee, Esq.,
Resident Magistrate,
Butterworth, Cape Colony.

Village Deep, Limited, Mine Office,
Johannesburg, October 14, 1903.

Visit of Delegation of Chiefs and Headmen from Cape Colony.

DEAR SIR,

I AM in receipt of your letter of the 8th instant, and beg to inform you that the assertion made by a native that he had to work 32 days for a month's pay is absolutely false. In all cases where 32 days have appeared on a boy's ticket he has been paid for the number of days at a daily rate equal to one-thirtieth of the amount of the monthly wage he was engaged for.

Yours, &c.,
S. PENDERSON,
General Manager.

The Secretary,
Witwatersrand Native Labour Association, Limited,
Johannesburg.

(7.)

THE SECRETARY TO THE NATIVE AFFAIRS DEPARTMENT, Cape Town, to the CHIEF MAGISTRATE, Transkeian Territories, Umtata.

TELEGRAM.

Early. 1128. 31st October. Your letter, No. 1/1921/1903, of 22nd instant, *re* delegation to Johannesburg regarding native labour on mines. Prime Minister desires that you will be good enough to instruct Magistrates concerned to take down statement by delegate from their respective districts giving report of visit. Statement should be recorded as far as practicable in his own phraseology, and should give a full account of views he has formed as result of investigation, and show clearly what suggestions he has to make for improving conditions under which natives proceed to, and are employed at, Rand mines, and encouraging increased supply of labour. Similar statements have been called for from Colonial delegates.

(8.)

THE SECRETARY TO THE NATIVE AFFAIRS DEPARTMENT, Cape Town, to CIVIL COMMISSIONERS OF (1) PEDDIE, (2) ALICE, (3) QUEENSTOWN, (4) GLEN GREY, and (5) HERSCHEL.

TELEGRAM.

Early. 1127. 31st October. Native delegation having now returned from Johannesburg, Prime Minister desires you will take down statement by delegate from your district giving report of his visit. Statement should be recorded as far as practicable in his own phraseology; and should give a full account of views formed as result of investigation, and show clearly what suggestions he has to make for improving conditions under which natives proceed to, and are employed at, Rand mines, and encouraging increased supply of labour.

(8A.)

(No. 1/2082/03.)

Native Deputation to Transvaal Labour Centres.

Office of the Chief Magistrate, Transkeian Territories,
Umtata, November 26, 1903.

SIR,

WITH reference to your telegram, No. 1128, of the 30th ultimo, I have the honour to forward herewith statements made by the delegates who proceeded from the Transkeian Territories under the guidance of Mr. Brownlee, Resident Magistrate, Butterworth, to investigate the conditions of labour on the Transvaal Gold Fields. The statements of those representing Eastern Pondoland are of earlier date than your telegram quoted, and the taking of further reports on its lines is for the time delayed by the illness of one of the number.

In forwarding these statements, I have little to add to my letter, No. 1/1921/03, of the 22nd ultimo, covering Mr. Brownlee's report. They will be found to contain a general corroboration of his remarks, emphasising such points as misrepresentations of Labour Agents in regard to wages, reduction of railway fares from wages, want of comfort on the railway lines, defects in the Pass Regulations, illtreatment by Zulu and Shangaan overseers, forced labour on Sunday and during sickness, and adding recommendations for the appointment of an officer at Johannesburg to represent the interests of labourers from the Territories, and also for Government control of the work of collecting labour for the mines.

I have, &c.,
A. H. STANFORD,
Acting Chief Magistrate.

The Secretary
to the Native Affairs Department,
Cape Town.

ENGCOBO.

In the Court of the Resident Magistrate for the District of Engcobo, this 3rd day of October, 1903.

Appeared LANGA, who states: I was nominated by the Transkeian Territories General Council as a delegate from the Engcobo District to Johannesburg to investigate the treatment of native labourers.

I left Engcobo on the 19th September, 1903, and arrived at Indwe Railway Station on Sunday, the 20th, where I met Mr. Brownlee, the Magistrate of Butterworth, and delegates from other districts. We entrained that evening and arrived at Johannesburg on Monday afternoon. We were there, I think, eleven days, and each day we were taken round to the different mines, the names of which I cannot remember.

The following are the complaints brought forward by the labourers during our investigations:—

1st. The labourers at Johannesburg complained of the wages. They stated that the Labour Agents in the Territories promised them certain wages, but they were paid a great deal less; on ascertaining the amount of wages paid we were informed by the labourers that they were only paid from £1 10s.0d. to £3 10s. 0d. per month, whereas the Labour Agents had promised them from £3 10s. 0d. and upwards. The employers admitted that they were paying from £1 10s. 0d. to £3 10s. 0d. per month, and that if the Agents had promised more they did so without authority.

2nd. The labourers also complained of being thrashed by the Basuto and Tshangana Police who are over them, but we could not get to hear the reason.

3rd. They also complained of being forced to work when ill, and did not get proper care and treatment, and when their friends wished to take them home they were not allowed to do so, consequently, a number died at the Rand for want of proper care and treatment.

4th. They also complained that they were forced to work on Sundays, and stated that beyond it being wrong to work on Sundays, they required one day's rest out of the week.

From my personal observation I came to the conclusion that the chief complaint was in regard to the wages. In my opinion, if the labourers received the wages promised them by the Labour Agents they would be more satisfied.

I also observed that the natives from these parts strongly object to being ruled by Basuto and Tshangana Police, and would be more satisfied if some men of their own tribes were appointed police over them. (Shangaans.)

I learned that the natives have a very strong objection to Labour Agents, on the grounds that they are forced to enter into contracts, and that they do not receive the wages promised.

In my opinion, it would be more satisfactory if Labour Agents were appointed by Government, and no other agents allowed to collect labourers, and that men be appointed whom the people could trust.

I also consider that the labourers should not be made to work on Sundays, for it is wrong.

In my conversation with some of the labourers, I ascertained that the treatment now is worse than what it was before the country was under British rule, and that they do not get satisfaction from the Magistrates. If these matters were rectified I have no doubt the natives would be more willing to go and work at the Rand.

Before me: LANGA. His X mark.

CHAS. E. WARNER,
Acting Resident Magistrate and Justice of the Peace.

Witnesses:
1. W. M. MPONDO.
2. J. M. NYUNDU.

IDUTYWA.

REPORT of BANGISO SANGQU, who was sent to Johannesburg as one of the deputation from the Transkeian Territories to enquire into the treatment of labourers at the mines.

We visited some twenty centres in Johannesburg and different towns in the neighbourhood. We found that the labourers complained of being thrashed in some of the centres, some saying the treatment is good. The only complaint is that of low wages, namely, Two pounds ten shillings (50s.) per month per head, the month being thirty days, Sundays excluded (30 working days). If they work in the mines, underground, they get Three pounds (£3) a month. When the Labour Agents collect them (engage them) to go up to the works they tell them that they will get a wage of from Four to Five pounds (£4-£5) per month, and when they get there they do not get it. In some places food is good; they also get Kaffir beer on Saturdays, meat twice a week, rice as well.

They are also forced to work on Sundays against their will, and get no remuneration for that day.

In some places the water-closets are very far, and, if one is overtaken by nature's call before reaching them, he is fined. The overseers drive them out of the rooms in a very bad way when it is time to go out to work. When one is ill he is forced to go to work, and if he wants to return home on account of sickness he is not allowed to.

If one paid his own fares to go up he is forced, when he gets there, to join those who did not.

There are few places which have bad and hard treatment. Where they can get good wages is at Braamfontein, in the Government compound.

The compounds have their own coffee shops, where the men are forced to buy food and other necessaries.

The real ill-treatment is the thrashing and the low wages and the days calculated as a month.

If they were told that they would get so much a day, and were paid on Saturdays, it would be all right.

What ought to be done is to discontinue these Labour Agents who collect labourers and tell that they would get so much, and when they get to the working centre they do not get it, and when they complain no one intercedes for them.

It would be necessary that the Magistrates and Headmen of the various districts collect the labourers themselves, so that they might have someone to intercede for them.

I think that to rectify this complaint the labourers should be engaged at so much a day, and be paid on Saturdays (weekly). The wages should be raised. They should be paid more than Two pounds ten shillings (£2 10s.) a month. They must not be thrashed. When they have done wrong they must be fined according to the penalty provided by the law for the offence.

I think that the collection of labourers should be done by Magistrates and Headmen, so that they may have places of redress when they make their complaints, and want to know how much wages they are to get. I think they ought to be allowed to take their complaints to the Compound Manager, and not be stopped and deal with the overseers only.

BANGISO SANGQU. His X mark.

Before me:
J. R. CUMMING,
Resident Magistrate.
Idutywa, November 6, 1903.

KENTANI.

STATEMENT of PAUL MADUBELA, of Kentani District, who accompanied Mr. Brownlee, Resident Magistrate, Butterworth, as one of the delegates of the Transkei General Council to Johannesburg, for the purpose of investigating the "Labour Question."

PAUL MADUBELA states: I wish first to say that the people complain of the treatment they receive at the hands of the Railway Department in travelling to and from Johannesburg. They object to be put into open trucks, and want to travel in proper third-class carriages. They also complain that they are often engaged on the understanding that they will receive free railway fares to Johannesburg, but that after arrival there their first month's wages are deducted to pay for the fares. They also want a free return fare given to them at expiration of their contract. They also complain of being overcrowded in the train, and that no attention is paid to sick persons.

At the mines complaints were loud as to the harsh treatment of the labourers: particularly, it was said, that a man who was sick was, nevertheless, forced to work, and often beaten and ill-treated by Zulu policemen. In the case of a sick man who feels himself no longer able to do his work he should be allowed to return home, and his contract should be cancelled in order that he may be free to do so.

The wages now received at the mines are too low and should be increased; the minimum to be £4 per month and the maximum to be £6 per month. This is the most important grievance, and if the wages were increased as suggested, I believe the labour question would be practically settled.

The question of food appears to be quite satisfactory, and under this head I do not think any grievance exists.

Accommodation.—Although, generally speaking, the accommodation was satisfactory, in some instances, however, it was clear that overcrowding existed, and some improvements in this respect are necessary.

Contracts.—In the first instance contracts should be only for three months, so that at the end of this time the labourers would be at liberty either to return home or to re-engage for a further period of three months if they wished.

Inspectors of Natives employed on the mines do not (if they exist) seem to be in touch with the labourers. These offices are very necessary, and should be filled by men who understand the natives, and who will be able to keep in touch with them; and there should also be an officer specially appointed to receive complaints and deal with all questions affecting natives from the Territories, employed on the mines.

PAUL MADUBELA.

LUSIKISIKI.

In the office of the Resident Magistrate for Lusikisiki, this 15th day of October, 1903.

Appears ZONDWAYO, who states: I reside at Qaukeni, in this district, and I am one of the delegates sent to Johannesburg to see about the treatment of the native labourers in that town.

On my arrival there I proceeded to the different compounds, and there saw that the natives were well treated at work and that they were well fed. They only submitted to me two complaints:—

1st. That when they are sick they are not allowed to be returned home.

2nd. That when they are engaged here they are generally told that their wages were £3 and £4, and that when they get to Johannesburg their wages are reduced to £2 10s. a month. I am prepared to tell all the natives in this district that the treatment of native labourers in Johannesburg is a very good one. As far as my own judgment I could see no reason why people say "They were badly treated."

ZONDWAYO. His X mark.

Witness:
N. MALIMBA.

JONGA states: I am one of the delegates sent to Johannesburg to see about the treatment of native labourers in that town.

I confirm the statement made by Zondwayo.

JONGA. His X mark.

Witness:
S. N. MALIMBA.

MGANDULI.

REPORT of delegate, Chief SIPENDU, on his visit to Johannesburg.

We went round through all the compounds in the vicinity of Johannesburg and suburbs. We went through twenty different compounds, including Government Compound at Brandfontein. The common faults at all compounds I have visited are that the sleeping rooms for boys are too small, and badly ventilated, and some, to a certain extent, unfit to be inhabited by human beings; and the boys complained that they were forced to work on Sundays.

Treatment.—Under this heading I would say that, taking it as a whole, is unsatisfactory, more especially at Village Main and Geldenhuis, at Jeppes Town. In most of the compounds we were quite unable to meet the Cape boys. We find mostly boys from the east coast, whose language we could not understand, consequently, we were unable to note their complaints. There are all sorts of complaints made by the boys; that they are sjamboked and bullied by these stupid Indunas; and that when they are sick they are not allowed to go home. The boys complained, further, that the compounds have their own coffee shops where they force the boys to buy, and not at any other which they may choose, and where they could get groceries at a cheaper rate.

Food.—Under this head I will just sum it up in two words—"very satisfactory," especially in Kruger Compound. Meat and rice given twice a week, on Wednesdays and Saturdays. Lime juice and Kaffir beer all round.

Wages.—These are very low at all the compounds with the exception of Krugersdorp. Again, here the wages are reasonable. They run as follows: from £2 10s. to £4. At Johannesburg they are from £1 to £2 10s. It appears that the Native Labour Association is at the bottom of this trouble. The boys complain that they are promised higher wages by recruiting agents which on arrival they are denied.

Delegate Chief Sipendu's recommendations for encouraging labourers.

Some other means ought to be devised. Native labourers are being sjamboked and beaten, and ill-treated in many other ways by their European overseers and indunas; so much so that boys wish to call back the days of the Republic, when the Boer dominated, stating that they were better treated then and received better wages for their work. This brutal treatment, combined as it is, with very low wages, is enough to keep natives away from Johannesburg. Treat them fairly, pay them fairly, and labourers will flow to labour centres.

Throw away the sjambok and pay from £3 to £4 per month and you will see the result.

Natives are checked by European overseers, and indunas, and low wages from flocking to Johannesburg. Do away with forcing boys to buy at compound shops and allow them to buy where they can and where they choose.

NQAMAKWE.

REPORT on the Treatment of Native Labourers at Johannesburg.

Tyinira, Nqamakwe, November 10, 1903.

SIR,

As I was delegated by the Transkeian General Council held at Umtata on the 29th August, 1903, together with the following gentlemen: Jerry Mbangeni, of Willowvale, Paul Madubela, of Kentani, and Bangiso Songqu, of Indutywa, to proceed to Johannesburg for the purpose of visiting labourers in that city. We started and reached Johannesburg on the 22nd September, 1903.

1. The treatment of the native labourers at Johannesburg is very very bad. There are no wages to speak of paid to them, because what they receive is equal to that paid to leaders of transport wagons in this country. In some compounds the monthly wages are at the rate of 30s. to 50s. per month, and not more. Two or three compounds, whose wages are fair, give 70s. to 80s. per month, and yet the labour done is more than the wages.

The sjambok and the stick are used freely by Europeans from Natal and Zulu policemen. Native labourers who go to Johannesburg for work, and those who are unemployed are sold for 6s. per head after being confined for six days in a place called Pass Office. In this office it was said to them they were being detained to prevent their being arrested. Whoever requires labourers buys them, and a contract specifying what amount the employer offers to take the labourers at is entered into, and the labourers for whatever they have performed will never receive any satisfaction from the time they are confined or shut up in the compounds up to the time of the expiration of the contract. Nothing but bitterness.

Those who are sick and incapable of working are prohibited from returning to their homes, even if they desire so to do, and yet many have recovered from various diseases by so doing.

I was pleased in regard to their comforts. Food is good and plentiful, bedrooms and dormitories are comfortable, drinking water and bathrooms good.

In my opinion, I say that Government must stop ill-treatment of labourers. Wages must be increased equal to those paid before the war, viz., from £4 to £5 per month.

The labourers proceeding to Johannesburg are also badly treated. They are packed like grain or coal bags, in trucks. They are not regarded as human beings as Europeans are. No shelter of any kind on the line to Johannesburg is provided for them. Even if they want to rest they are unable to do so in consequence of being overcrowded in one compartment.

I may state that labourers are required to work fully 30 days before they are paid.

I have, &c.,

DAVID MAGODLA,

Councillor, N.D.C.

The Resident Magistrate,
Nqamakwe.

QUMBU.

In the Resident Magistrate's Office, Qumbu, this 2nd November, 1903, appears Mntengwane Ludidi, and states as follows:—

I am the Chief of the Hlubis, residing at Nooti, in this district. I was appointed as one of the delegates who proceeded to Johannesburg to enquire what complaints the native labourers had. On arrival at Johannesburg we visited several mines, and at all of them the following complaints were made to us, viz.:—

1. That their wages were not raised, and they were only getting £2 10s. per month.

2. That they received bad treatment from the Zulu policemen, who beat them with sticks and whips.
3. That when one of the labourers fell sick he was not allowed to go home, and he was not paid his money in full.
4. That any labourers who were imprisoned are, at the expiration of their sentences, sold to those who want labourers.
5. That they are more badly treated by the Europeans and Zulus who come from Natal than by Europeans and natives coming from the Cape Colony.

The labourers had no complaints about the food they are getting. The food is good. I saw it myself. People who come from these parts have complaints and not the Nyembanes and others. The labourers complain their wages should be increased, and that those who fall sick should be allowed to go home. I suggest that our people should not be under the charge of the Tshaka constables, and that when a labourer gets ill he should be allowed to go home, and that his friends ought to be allowed to take him. The people were well paid when the Transvaal was under the Dutch, and now that the English, who are our friends, have rule, they should be paid better still. I say myself that the wages of the labourers should be raised. The Natal Europeans and Zulu policemen should not be allowed to ill-treat and beat the labourers. Europeans from our Colony should be in charge of the workmen.

MTENGWANE LUDIDI. His X mark.

Witnesses :
A. REID.
C. EDWIN BAM.

TSOLO.

Delegate DANIEL MTANGAI, report upon his visit to Johannesburg in connection with the Native Labour Question.

Resident Magistrate's Office, Tsolo, November 7, 1903.

My name is DANIEL MATANGAI. I was selected as a delegate to proceed to Johannesburg to make inquiry into and to see how the native labourers were treated. I visited the various mines and compounds in Johannesburg, Germiston and Krugersdorp, and found that the treatment of natives was not a good one generally; their dwelling-places are dirty; and even those that are well built are not clean; their immediate overseers are Europeans, who are chiefly said to be from Natal, assisted by native foremen of that Colony, and the general complaints are that these overseers flog them when there is no occasion warranting such a treatment. They are further maltreated by the Native Compound Constables.

In most of these compounds the food is good and wholesome! the wages are from £2 to £3 every month in most places, although there are compounds where native labourers get as much as £4 per month; some of these labourers are professing Christians, and others, again, respect no religion. These classes complain bitterly about their being made to work on Sundays, and I would strongly suggest that this practice be discontinued. I strongly recommend the supply of Kaffir beer in moderate quantities to native labourers as a sequence to their meals.

Another matter I should wish to mention is with respect to labour agents. These very often engage boys in various parts of the Colony by promising them that they will receive as much as £4 per month, and work on the surface, and when the boys get to their destination, find that they are only to get £2 and perhaps have to work underground; and I want, therefore, to suggest that the native labourer should be protected against such frauds. I believe that the following suggestions if carried out would be attended with an increased number of native labourers :—

The employment of intelligent natives who received some amount of education to work with, and control, the native compound, constables and police. The increase should be the same as before the English-Boer war. Some compensation to the family of those who have met with accidents in performing their work and have, in consequence, lost their lives, and also to those who, under similar circumstances received such permanent injuries as would disable them to earn their livelihood.

The allotment of ground to natives, or allowing them to occupy ground under communal rights in the Transvaal, would induce many families to go up who would be available for labour. The treatment of natives generally to be the same as it is in this Colony.

A better treatment is also desirable when the natives are entrained between their homes and the centres of labour, and travelling by railway. When the native labourer becomes ill he should be allowed to return home when he expresses a wish to do so.

DANIEL NTANGAYI,
Native Delegate to Transvaal.

UMTATA.

In the office of the Resident Magistrate at Umtata, on this the 7th day of November, 1903, before me, Edwin Gilfillan, Assistant Resident Magistrate, Umtata, appears SANGONI, who states:—

I am a Headman residing at the Qokolweni, in this district, and was one of a number of delegates recently sent to Johannesburg to ascertain and report upon the condition of the native labourers there employed. I left home on the 11th September last, and joined Mr. Brownlee at Imvani, and on the 21st idem we arrived at Johannesburg. Shortly after we went to the mines. The first we visited was Wemmer Gold Mining Company. We enquired of the men how they were getting on. We found the wages paid were small and the treatment bad. The men got only £3 per month and food. The next mine was the Jubilee and Salisbury, and here the Tshangans and Mozambiques worked. They complained of small wages (£3) and ill-treatment. We then went to the Village Main Reef, where the labourers said the treatment was good but wages too little—45s. to 50s. and food. After this we went on to the Village Deep Gold Mining Company, and we found there some of our countrymen. They stated that their money was "eaten," and they were not paid properly. They had complained to the manager, and he had taken their tickets and was investigating the matter. We then went to the Robinson Deep Mine, and here there was no complaint. At the Henry Nourse Mine there was also no complaint as to the treatment, but the men complained that the wages (50s.) were insufficient. At the next mine there was similar complaint. We next visited the South Nourse Mine, and here met more of our countrymen. They said they had been engaged by Richard Tsengiwe, of Cala, at £4 per month, but only received 50s., and had to stay six months.

At the Langlaagte Mine there was complaint of small wages, 30s. to 50s., and ill-treatment (assaulted). The last mine we went to was the Robinson Gold Mining Company, and we found some more of Tsengiwe's boys. I forgot the Simmer and Jack Mine. The men complained that low white men assaulted them.

In connection with what I have said I can offer the Government little advice, but there is one thing which I noticed, and that I would speak of. The men do not know where to go when they are ill-treated or cheated. The officers there in charge do not seem to understand the natives or have any sympathy for them. There was a gentleman who went along with Mr. Brownlee, and I think he was the man who was said to be in charge of the natives. They said they did not know him. I would suggest that some officer might be sent by our Government to look after our people and listen to their grievances. He might also register their agreements with their masters and talk their cases. At present they have no one to get to. I can say nothing about the journey to and from the gold fields. I cannot because I do not understand the trains and their working. They come from all directions.

SANGONI. His X mark.

Before me, this 7th November, 1903.
EDWIN GILFILLAN,
Assistant Resident Magistrate.

UMZIMKULU.

Councillor THOMAS MKOZI reports:—

I left this district during last month, September, 1903, for Johannesburg. I took the passengers' train at Richmond, and happily took my seat in the 2nd class. It happened that there were no other natives in my room, and through that I could not gather any information as to their treatment and care along the line.

I reached Johannesburg, and the following morning I was taken to the Pass Office, where I saw and interviewed many natives who were kept there.

Some stated that they had been before the Resident Magistrate for some trifling offence and sentenced to gaol for a certain time, and at the expiration of that time, they were discharged and taken to the Pass Office, hoping to receive passes for seeking employment, as it was the case during the Dutch Government. To their great disappointment they were kept there for any company, firm, contractor or gentleman to contract them for not less than six months, and employ them in any kind of work contrary to their will and health.

Some stated that it often happened that at the expiration of their term of service on contract under their masters, they wanted to leave through bad treatment and low wages, but their masters refused to release them, and on insisting, their masters refused to grant them Special Pass, and sometimes they give them illegal ones, which debar them from being employed by others, and through that they are taken to the Pass Office. Others stated that when reaching Johannesburg they get passes from the Pass Office for six days only for seeking employment in the town. When they fail to find work during the six days they report themselves for the increase of time. Only three days are added, and if they fail to find it this time they are then kept there. I also visited different companies and firms, where I found thousands of natives, some of whom had many complaints *re* their bad treatment, being beaten for nothing and receiving orders from their superiors and guards or Europeans. Now, they wish to have the Cape Colonial Guards. On my return I took my seat in the third class, when I had a good time of satisfying myself of the most shameful treatment received by the natives. They are hugged and flocked in the third-class carriages, that there is not room for them all to sit down. They all stand side by side, some sitting upon others. Again, they reported that they are not allowed time enough to pass out water, &c., &c., at the stations. They are now and then warned to be in the carriages waiting for the train to start. This I witnessed myself. On reaching Charles Town the natives who are left there waiting for the next day's train were driven out in such a hurry that some of them had not time enough to carry out all their luggage.

Personally, I satisfied myself that all these and other complaints should be redressed and reformed by the authority, as they might stop the natives from going up to these big centres.

I suggest that those natives who had been discharged should be given Special Pass for seeking employment for thirty days. I also believe that if the natives who have lost their passes either through the reasons or complaints explained herein or otherwise, be allowed to obtain new passes from the Pass Office for seeking employment, would work better than keeping them there for any contractor, &c., &c. With regard to the native passengers being too crowded in the third-class carriages, I suggest that, considering the large number of natives to and from Johannesburg, the Government or railway companies would be doing justice to the natives if the present number of carriages for the conveyance of natives be doubled, and that the bad treatment at the stations referred to herein be reformed. Whilst in Johannesburg we went round through all the compounds in the vicinity of Johannesburg suburbs; we have gone through twenty different compounds, including Government compound at Braamfontein. The common faults to all compounds I have visited is that the sleeping rooms for boys are too small and badly ventilated, and some, to a certain extent, unfit to be inhabited by human beings; and the boys complained that they are forced to work on Sundays.

Treatment.—Under this heading I would say that, taken as a whole, is unsatisfactory, more especially at Village Main and Geldenhuis. At Jeppe Town in most of the compounds we were quite unable to meet the Cape boys. We find almost (all) boys from East Coast, which we cannot understand and their language, consequently we were unable to note their complaints. There are all sorts of complaints made by the boys—that they are being shamboked and bullied by these stupid indunas, and that when they are sick they are not allowed to go home. The boys complained, further, that the compounds have their own coffee shops, where they force boys to buy, not to any other which the boys may choose where they could buy grocery cheaper.

Food.—To this head I will first sum it up in two words, "very satisfactory," especially in Kruger compound—meat given twice a week, on Wednesdays and Saturdays. Drinks—lime-juice, Kaffir beer all round. Wages are very low to

all compounds with the exception of Krugersdorp. Again, here the wages are reasonable; they run as follows: from £2 10s. to £4. At Johannesburg they are £1 to £2 10s. It appears that the Native Labour Association is at the bottom of this trouble; the boys complained that they are promised higher wages by recruiting agents which, on arrival, they were denied.

WILLOWVALE.

REPORT of Headman JERRY BANGANI, delegate from the District of Willowvale, accompanying deputation from Native Territories, to enquire into grievances of Native Labourers employed on the Transvaal Gold Mines.

JERRY BANGANI states: I am a headman residing at Shixeni, in this district, and in that capacity have acted as a Labour Agent since the outbreak of the Boer war, and have supplied the Harbour Works at Cape Town, and De Beers Explosive Company, at Somerset West, with upwards of 900 labourers, to which centre boys are always ready to go. Since the cessation of hostilities I have made every endeavour to obtain boys for the Rand, but they have always refused on the grounds that the pay is bad, and food received and treatment subjected to also bad, and that, the manner of being conveyed on to the Rand in overcrowded open railway trucks did not tend to induce them to go.

During the month of September last I was selected as the delegate from this district to accompany Mr. Brownlee, with a deputation from these Territories, to the Rand, to enquire into the grievances of native labourers there.

In all we visited twenty-two mines, and on the whole we found the labourers had very few complaints. The chief of these was the smallness of the pay received, viz. : £2 10s. per month. In only two mines in the Krugersdorp District was a higher wage, ranging from £3 to £4 5s. per month, given.

The rations were good. Few mines did not supply vegetables or Kaffir beer to the labourers, and the managers of these promised that in future such would be supplied.

With the exception of two boys, who stated that they had been forced to go to work, although ill, and were put in the stocks, and fined 10s. each, and whose case the Inspector of Mines promised to go into, no treatment was complained of by the labourers.

The railway transport for labourers has been vastly improved, and no complaints were received about it.

The chief complaint of the men was that the wages of £2 10s. per month was too small, especially as they were compelled to work on Sundays without receiving extra pay.

Personally, I was much satisfied with what I saw and learnt at the Rand, and now am endeavouring to induce labourers to go there, and at our monthly meeting here, at the request of our Magistrate, gave a resumé of our journey, which I trust will have a beneficial result, as soon as men can leave after planting their crops, which have been delayed on account of the drought.

JERRY BANGANI,
Headman, Shixeni,
Willowvale.

(9.)

(No. 6/925/D/1903.)

Native Delegation at Johannesburg.

Civil Commissioner's Office, Alice, Victoria East,
November 4, 1903.

SIR,

IN compliance with he request contained in your telegram, No. 1127, of the 31st ultimo, in connection with the above-mentioned matter, I have the honour to forward herewith report from Nicolas Bovula, the delegate from this district.

I have, &c.,
J. B. VAN RENEN,
Civil Commissioner.

The Secretary
for Native Affairs,
Cape Town.

SIR, Alice, Victoria East, November 3, 1903.

IN submitting my report on the Rand compounds, I have the honour to lay before you these points for consideration of the Government :—

(1) The employers of labourers in Johannesburg and in the Colony, they tell the boys of higher wages, and when they arrive there they get nothing of the kind, and when they speak to the managers they disregard that statement, and the whole matter comes to a confusion.

(2) The companies should make it clear that wages are paid differently according to the boy's skilfulness. If he should be a strong boy he will get more wages, whereas at present the cry of low wages is very great, and creating a grievance to those that are industrious.

(3) We found three compounds where boys were being beaten and fined wages for trifling offences, and we referred the matter to the Compound Inspector, who knew nothing of these complaints until he heard them and saw the tickets that were being docked by the Compound Manager when we were investigating the matter. The three bad compounds are Village Deep, Geldenhuis and Railway Compound.

In some mines the boys were being put in cells, which they fear so much. I submit that where it is found necessary to put boys in cells they ought to be paid when found not guilty.

Remarks.—We inspected about twenty compounds. We found most boys coming from the Eastern Coast. The Eastern Coast boys can't very well agree with the boys of the Colony. They can't understand each other, and the habits, when they are together, they are different. The Zulu Police, who are by usage bloodthirsty, are the root of all mischief, beating boys at any time, and they ought to be strictly prohibited. Hospitals require cleaning and better attention. We found wages very low, and unless the Labour Association in the Rand remedy their system in wages, I fear that boys will decline to go up. The wages are £2 10s. a month, and Sunday being also regarded as an ordinary working day, and if a boy fails to go and work on that day his month is regarded as being not up until he makes up that day, and that puzzles the boys very much. Johannesburg has a different way of counting the days of the month; instead of explaining the matter beforehand. And I would suggest that native headmen ought to be appointed by Government, through their Magistrates, in order to avoid misunderstanding of proper wages, and the Labour Association of Johannesburg should send direct to the Magistrate and state fully the rate of pay they will offer to boys going up, and not to employ agents who speak only for getting boys at the time.

Another thing I noticed, when boys are being contracted they are put in open carriages in the heat of the sun, and rain, and that causes sickness; but sometimes they get good treatment along the road and are in good carriages. Sometimes they put them in a small room and crowd them. The boys are given mealie meal pap in the compounds, and meat once a week in some mines.

When I came back the people had no desire to come and hear the treatment at Johannesburg, for they say we might have been well treated for all they know; when you go up to work they will treat you bad; and am afraid my visit to the Rand will be a failure unless they alter their present system, especially the Wit-watersrand Native Labour Association, where all have to be engaged.

I remain, &c.,
NICHOLAS BOVULA.

The above is a true statement, and declared to before the Resident Magistrate of Victoria East, at Alice, on the 4th November, 1903.

J. B. VAN RENEN,
Resident Magistrate,
Victoria East.

(10.)

(D. 12/813/1903.)

Report of Native Delegate to Johannesburg.

Resident Magistrate's Office, Queenstown, November 5, 1903.

SIR,

IN compliance with the request contained in your telegram, No. 1127, of the 31st ultimo, I have the honour to forward herewith a letter from the Inspector of Native Locations, Whittlesea, enclosing a report from the delegate for Queenstown District to the Johannesburg mines.

I have, &c.,
WM. NAPIER LUYT,
Acting Resident Magistrate.

The Secretary to the
Native Affairs Department,
Cape Town.

Report of Delegate to Johannesburg Mines.

Office of the Inspector of Native Locations,
Whittlesea, November 4, 1903.

SIR,

IN response to your letter, dated 2nd instant, I have the honour to forward the report of Headman Ntlabati, who was delegate to the Johannesburg mines, which was handed to me by him shortly after his return home.

I may state, further, that at a meeting of Headmen of the Ox Kraal and Kamastone Location, held here on the 2nd instant, Ntlabati informed the meeting of the result of his visit to the mines in terms of his report enclosed. And he added that he had reason to believe that some of the complaints made had already been rectified, and that if the natives only made their complaints in a proper quarter that those in authority always seemed anxious to grant redress.

I have, &c.,
F. J. EVANS,
Inspector Native Locations.

The Acting Resident Magistrate,
Queenstown.

Result of the Inspection at the Mines.

We have visited several compounds in the vicinity of Johannesburg and township of Krugersdorp. As to complaints, the workers complained the sleeping-houses are too crowded, and not properly ventilated; too hot in summer and too cold in winter. They complained, also, that they are forced to work on Sundays; they consider it a grievance because it is not their choice. Some complained that when they are sick they are not allowed to go home so that they may be doctored by their own doctors. Cape Colony boys complained of being flogged with sjamboks, shovels and knobkerries by the Zulu indunas (police) as they call them. Two mines were especially mentioned as places where the ill-treatment was most pronounced. These were Geldenhuis Gold Mining Company and Village Deep Gold Mining Company.

Wages.—To this heading I regret to say that, to a certain extent, they are as follows: from £2, £2 5s. to £2 10s. for those working on the surface; for those working underneath the ground, are from £2 10s. to £3 per month of 30 days. The boys from Transkei and Griqualand East complained that when they were contracted they promised £3 15s. per month by labour touts. One of them, a notorious person, a native named Richard Tsengiwe, of Cala, and by Mr. Methews, of Queenstown (known by natives as Unozala). This was done, of course, for the purpose of inducing them to go up and work in the mines. These two I have mentioned; their names appear in several compounds. It appears to me that they are very fertile in promise but very barren in performance.

Food.—There is no complaint whatever to this heading. There is plenty of food, meat given twice a week, vegetables and Kaffir beer on Saturdays and Sundays.

My impression after visiting the mines was that boys were not so badly treated after all as I was led to understand.

M. H. NTLABATI,
Headman.

Mtwakazi, October 5, 1903.

(11.)

(D/5/766/1903.)

Native Delegation to Johannesburg: Report of Herschel Representative.

SIR, Office of the Civil Commissioner, Herschel, November 5, 1903.

IN compliance with the request contained in your telegram, No. 1127, of the 2nd instant, I have the honour to forward herewith a report written by Headman Assegai Mbuli, who proceeded as a representative from this district with the above delegation.

I have, &c.,
D. EADIE,
Acting Civil Commissioner.

The Secretary to the
Native Affairs Department,
Cape Town.

Report of Headman ASSEGAI MBULI, Labour Delegate to Johannesburg.

SIR, Resident Magistrate's Office, Herschel, November 5, 1903.

IN compliance with instructions from Government, I have the honour to report as follows:—

1st. I left Herschel for Johannesburg on the 17th November, 1903, meeting the other delegates at Burghersdorp on 20th instant. We then proceeded to Johannesburg. We began our labours on the 24th instant. We first visited the mines. The Colonial native labourers complained that the pay was too small, and bad treatment; the food supply was good, and also medical attendance; the natives complain that the Labour Agents when hiring them promised them more pay than they get when paid; they prefer, when reaching Johannesburg, to be able to select for themselves the mines they prefer to work in. Another thing complained of is that when they are out of work or refuse to work for the pay offered them, they are then placed in a protection camp, and the natives look upon that as being imprisoned. We explained to them it was not imprisonment, but was protection for six days until some master would come and hire them, for which the master hiring them would have to pay to the protection camp 6s. per man, according to the number of days they had been kept there. The natives look upon this as a purchase price paid for them, and think they are being sold. We explained this matter to our Colonial natives, and showed them that it was a good thing for the natives to be protected in this way, otherwise they would run the risk of being murdered by other natives. I would say, if the mine owners would put these matters right, namely, wages, proper treatment, and not allow our people to be placed under the charge of raw natives from the interior, but to place them under the charge of our own Colonial men; if these matters are put right I think we shall then be able to get large numbers of our people to go to the mines and so help to keep the Chinese out of the country.

I have, &c.,
ASSEGAI MBULI.

The Civil Commissioner,
Herschel.

(12.)

(D. 16/601.)

"Native Labour Commission: Report of Delegate."

Office of the Resident Magistrate, King William's Town,
October 16, 1903.

SIR,

I HAVE the honour to forward herewith, for your information, report of Mr. N. C. Umhalla, the delegate who represented this district at the recent Labour Commission at Johannesburg.

I have, &c.,
R. J. DICK,
Acting Resident Magistrate.

The Secretary for Native Affairs,
Cape Town.

King William's Town, October 5, 1903.

SIR,

I HAVE the honour to submit my report as herewith enclosed, and in doing so I feel I must, in a way, make some observations on certain points which may, directly or indirectly, account for the absence of Cape boys at the Rand. Our journey to the Rand was an uneventful one, excepting that at Springfontein Station we met some remnants of its former notoriety in the form of Zulu Police shouting to us to remove from the platform to the boys' waiting place, though they saw us alight from a second-class saloon carriage. Mr. Brownlee had to interfere on our behalf at Bloemfontein, and take away some men who were threatening to bring us down from our carriages as if it were in their power to do so. These were the only two cases of unpleasantness on our upward journey. Arrived at Johannesburg all was smooth, and we moved about the town as the older inhabitants would do. When conversing with some of our people at Johannesburg we discovered that they complained of most hostile feeling on the part of the ruling race as against them; they complained of a double imprisonment and selling, of such as had been incarcerated, to any who might choose to employ them; we could not comprehend the principle of the system, nor do we do so now, and if the people smart under its operation we do not think it unreasonable. There were also loud complaints about the pass system, which they stigmatise as the mother of all the evils in the Rand. There was also complaints against the absence of a Native Interpreter in the Law Courts, the one posing as such speaking a dialect almost unintelligible to Cape Kaffirs. Upon all those complaints we have advised patience, and insisted upon a strict application to duty, which might be a panacea for most of the ills complained of. We could quite understand their deterrent influence on Cape Colonials going up to the Rand to labour, but there they were, and they must make the best of a bad bargain. Should the Cape Government put itself into communication with the Transvaal Government to do away with the objectionable features in its executive character, I think no other part of the country will profit more by the introduction of Cape boys than the Transvaal.

I have, &c.,
N. C. UMHALLA,
Delegate to the Rand from
King William's Town Division.

H. Forbes Cumming, Esquire,
Special Magistrate,
King William's Town.

REPORT ON RAND MINES.

SIR,

IN submitting my report on Rand compounds, I have the honour to lay before you six points for the consideration of the Government of the Cape Colony, the Government of the Transvaal Colony, and the employers of labour in Johannesburg.

1st. The labour touts tell the boys in this Colony of higher wages down here that are to be paid them at the compounds when at work, which they do not get at the start.

2nd. Companies should make it clear, through their agents, that for different works in the mines the boys are to be paid proportionately, and according to skill.

3rd. I found that the boys in the compounds complain loudly of being beaten by the Zulu Police and others when turned out to work.

4th. I found three places where the boys were freely beaten and stopped wages, viz.: Village Deep, Geldenhuis, and Railway Compound.

5th. I submit that where it is found necessary to put boys in cells they should be paid their wages when not found guilty, and that by the Inspector of Mines, not the manager or his subordinates.

6th. I found that the hospitals, though clean, require better attention.

General Remarks.

I have inspected about twenty compounds, and my general impression is that should the above points be rectified, more labour would be obtained from the Cape Colony. This will depend upon the instructions given to the Managers of Compounds, with strict injunctions to carry them out. I see no good to be derived from the employment of Zulu Police, who are by usage blood-thirsty to the backbone. The treatment, the fare and the sanitary condition of the compounds is very fair, so much so, that for the harshness complained of in the above six points, all else would be overlooked, and a rise in wages would be timely solicited.

In all the mines I inspected I found that East Coast boys preponderated to an inconvenient proportion, and make it almost impossible for Cape boys to lead in good behaviour or steady workmanship, or for the ignorant Zulu Police and others to discriminate in administering correction.

I would recommend that both the Governments of the Cape Colony and the Transvaal Colony should pledge themselves to supply labour to the goldfields; the first to appoint Native Labour Agents in the different centres in the Cape Colony, and the second to see that the contracts entered into with the boys are carefully carried out, making the Inspectors approachable by the boys, and to pay the Labour Agents appointed for it by the Government of the Cape Colony. This arrangement would require that the Labour Agents should take up the two first batches personally and land them to the compounds for which they were requisitioned. The appointments by Government of Labour Agents in the different centres is intended to infuse greater confidence in the contracts as between employer and labourer, because Government is the father of the aboriginees. This arrangement would attract greater numbers to the fields of labour than anything I can think of. The conditions now prevailing in the Rand must always be unsatisfactory.

I have, &c.,
N. C. Umhalla,
Delegate to the Rand for
King William's Town Division.

(13.)

(S/779/03 D.)

Report of Existing Labour Conditions at Johannesburg, and suggestions for improvement of supply. Forwarding.

Sir, Office of the Civil Commissioner, Peddie, November 17, 1903.

In terms of your telegram, No. 1127, of the 31st ultimo, I have the honour herewith to forward a report by Mr. John Gongxeka—the delegate from this district—on the above subject. It is in his own phraseology, and was signed by him on the 16th instant.

I have, &c.,
J. Dorrington,
pro Acting Civil Commissioner, Peddie,
absent on duty.

The Secretary to the
Native Affairs Department,
Cape Town.

REPORT ON RAND COMPOUNDS.

Peddie, November 16, 1903.

SIR,

IN submitting my report on Rand Compounds, I have the honour to lay before you six points, for the consideration of the Government of the Cape Colony, the Government of the Transvaal Colony, and the employers of labour in Johannesburg.

1st. The labour touts tell the boys in this Colony of higher wages that would be paid them at the compounds, which wages the boys do not get at the start.

2nd. Companies should make it clear, through their Agents, that for different kinds of work in the mines the boys are to be paid proportionately and according to skill.

3rd. I found that boys in the compounds complain loudly of being beaten by the Zulu Police and others when they are called out to work.

4th. I found three places where boys were freely beaten—on one occasion one boy was thrashed in my presence; and in Village Deep, Geldenhuis and Railway Compounds the boys complained of their wages being stopped for trifles.

5th. I submit that when it is found necessary to put boys in cells they should not forfeit their wages when not found guilty; and that they should be tried by the Inspector of Mines and not by the manager or his subordinates.

6th. I found that hospitals, though clean, require better attention as regards ventilation and proper spaces between patients.

General Remarks.

I inspected about twenty compounds, and my general impression is that should the above points be rectified more labour would be obtained from the Cape Colony. This would depend upon instructions given to Managers of Compounds, with strict injunctions to carry them out.

I see no good to be derived by employing Zulu Police, who are by usage blood-thirsty to the backbone. The treatment, fare and sanitary conditions of most of these compounds is fair; should the harshness complained of in two of the above six points be remedied, the other points would be tolerable, and a timely rise in the wages would be solicited.

I also found in all the mines I inspected that East Coast boys are so numerous, and make it almost impossible for Cape boys to lead in good behaviour or steady workmanship.

In conclusion I would recommend that the Managers of Compounds should approach the Magistrates, either by letter or their recognised agents, when they wish to be supplied with boys; the Magistrates would refer the matter to their Headmen, with instructions to call upon able-bodied men to attend at the Magistracies, and that those that wish to go to work would have their contracts properly completed before their respective Magistrates.

I have, &c.,

JOHN GONGXEKA.

The Acting Resident Magistrate,
Peddie.

(14.)

(No. D 10/5/1903.)

STATEMENT by THOMAS ZWEDALE, Native Delegate to Johannesburg. Forwarding.

SIR, Office of the Civil Commissioner, Lady Frere, November 19, 1903.

I HAVE the honour to forward herewith above-mentioned statement called for by your telegram, No. 1127, of 31st ultimo.

I have, &c.,

F. GARSTIN,
Acting Civil Commissioner.

The Secretary
to Native Affairs Department,
Cape Town.

STATEMENT of Headman Thomas Zwedala, one of the delegates to enquire into the treatment accorded to natives on the Johannesburg Mines.

I left my home in Macubeni on the 20th of last month, and joined Mr. Brownlee, who went in charge of the delegates, at Sterkstroom. I was in Johannesburg ten days, and during that time visited about twenty places where natives were employed in large numbers. I personally spoke to many native labourers on the mines, some of whom were from the District of Glen Grey. From what I gathered from them the following appear to be grievances from which they suffer:—

(a.) That they are engaged at a certain rate of wages, and on arrival at the mines they are paid less than the amount promised.

(b.) That at three places I found natives had been flogged by the overseers. I personally spoke to the men who had been flogged, and saw the marks on their bodies.

(c.) Another grievance in all the mines is that the overseers try natives for trivial offences, and then lock them up, and that for the days they are locked up pay is deducted from their wages.

(d.) In a few mines the natives are made to pay medical fees, although previously promised that they would receive free medical attendance.

(e.) I visited several Mine Hospitals and found some of them very dirty. This was also a grievance. In some of the hospitals I visited the natives were quite satisfied.

(f.) There is also the grievance of natives paying their fares, and whilst *en route* for the mines being ordered out of their carriages and placed in open trucks. This happens often in the Orange River Colony.

I am certain that if the natives are well treated, and paid the wages they are promised they will go as freely to Johannesburg as they now go to Cape Town and Kimberley.

I will also suggest that natives be provided with special carriages, and that such trains run once a week from some centre place in the Colony in charge of a Headman or some Government Official, who must deliver the natives personally to the mines for which they have been engaged.

I would suggest that a Government Official or more if necessary, be appointed who will visit the mines daily, and give any native an opportunity to complain if he has any grievances.

In conclusion I wish to mention that I have known natives to go to work in places where they will receive less wages but good treatment, rather than go to Johannesburg.

THOMAS ZWEDALA.

The above statement this day made before me,

D. W. DURING,
Acting Resident Magistrate.

Lady Frere,
November 18, 1903.

Enclosure 2 in No. 3.

GOVERNOR, Cape, to HIGH COMMISSIONER.

MY LORD, Government House, Cape Town, December 21, 1903.

I HAVE the honour to transmit to Your Lordship, with reference to my despatch of the 18th instant, the document specified in the annexed Schedule.

I have, &c.,
WALTER HELY-HUTCHINSON.

His Excellency
The Right Honourable
Viscount Milner, G.C.B., G.C.M.G.,
&c., &c., &c.

SCHEDULE.

21st December, 1903. Minute No. 1/668, from Ministers. Enquiry by a Native Delegation into the conditions of Native Labour on the Mines.

(No. 1/668.)

(Minute.)

Prime Minister's Office, Cape Town, December 21, 1903.

Adverting to their Minute, No. 1/665, of the 17th instant, forwarding the reports of members of the Native Delegation which recently proceeded to Johannesburg to enquire into the conditions of native labour on the mines, Ministers have the honour to submit, for the information of His Excellency the Governor, and for favour of transmission to His Excellency the High Commissioner the accompanying further communication from the Chief Magistrate of the Transkeian Territories covering the supplementary statements in their own phraseology by the two delegates representing the Territory of Eastern Pondoland.

J. GORDON SPRIGG.

(No. 1/2118/1903.)

Native Delegates to Johannesburg *re*

Chief Magistrate's Office, Transkeian Territories,
Umtata, December 7, 1903.

SIR,

REFERRING to my letter of the 26th November on the above subject, I have the honour to enclose two statements made by the two delegates from the Lusikisiki District who visited Johannesburg with Mr. Brownlee.

I have, &c.,
A. H. STANFORD,
For Chief Magistrate,
Transkeian Territories.

The Secretary,
Native Affairs Department,
Cape Town.

LUSIKISIKI.—(Supplementary Statement.)

Statement made by Zondwayo, one of the delegates from this District to Johannesburg, who states:—

I reside at Qaukeni, in this District. On September 14th, 1903, I and Jonga were sent as delegates from this District to Johannesburg to investigate about the treatment of natives in the mines.

On my arrival there I took about seven days in visiting different mines, and found that the natives in the mines were well treated, and had no complaints, and they were well fed, and on Saturdays were rationed food sufficient to last them the next day—also meat was given them. I was also taken and shown different kinds of food.

During working hours I found that the workers were well treated, and they did not report to me any ill-treatment.

They only complained to me of having promised when engaged in the District here £4 a month or £5 a month, but when they get to Johannesburg they are generally paid at end of each month from £2 10s. to £3. That when they are sick they are not returned home.

I suggest that on my own opinion Headmen should be urged to encourage young men to go to work so as to secure larger numbers working in the mines at Johannesburg, and that better wages should be paid to people so as to encourage them.

ZONDWAYO His X Mark.

Witness:
S. N. MALIMBA.

LUSIKISIKI.—(Supplementary Statement.)

Statement made by Jonga, one of the Delegates from this District to Johannesburg, who states:—

I reside at Qaukeni, in this District. On September 14th, 1903, I and Zondwayo were sent as delegates from this District to Johannesburg to investigate about the treatment of natives in the mines.

On my arrival there I took seven days in visiting different mines, and found that the natives in the mines were well treated, and had sufficient food, and different kinds of food were shown to me, which proved to be good food.

During working hours I found that the workers were well treated, and they did not report to me of any ill-treatment of any kind.

They only complained of having promised when they are engaged in the District £4, but when they get to Johannesburg they are generally paid from £2 10s. to £3 a month, and that when they are sick are not allowed to return home.

I suggest that on my own opinion Headmen should be urged to encourage young men to go to work, so as to have large numbers working in the mines at Johannesburg.

JONGA His X Mark.

Witness:
S. N. MALIMBA.

No. 4.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 2.10 p.m., February 22, 1904.)

TELEGRAM.

[*Answered by No.* 5.]

(Extract.)

22nd February. No. 1. Attention has been called in Parliament to high rate of mortality among natives working in mines as shown in statistics at pp. 553 and 557 of Evidence before Labour Commission* and a Return has been moved for, about which I am communicating with you by mail.

Meanwhile I am anxious to receive by telegraph statistics for months of August, September, October, 1903, and later figures if available. On the information before me, I do not see how a death rate of between 50 and 100 per 1,000 can be defended unless necessary improvements recommended by medical officers and in use on some mines have been universally adopted. I ought to have a report showing the rate of mortality in the various mines, and what steps have been taken to carry out recommendations of medical officers in each mine. The report should indicate what precautions are taken to prevent high mortality among natives recruited from low tropical countries. Does exceptional rate in case of Portuguese natives shown in Return on p. 115 of Evidence† continue? You will agree with me that introduction

* See pages 385 and 389 of [Cd., 1897].

† See page 78 of [Cd. 1897].

of Chinese labourers should only take place under thoroughly favourable conditions, and that success should not be endangered by premature action. Every step should be taken with the greatest caution.

No. 5.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.10 p.m., February 27, 1904.)

TELEGRAM.

[*Answered by No.* 6.]

27th February. No. 2. Your telegram of 22nd February, No. 1.* I entirely agree. The high rate of mortality in mines is the weakest point in our armour, and though mining can never be a healthy employment, the death rate ought to be enormously reduced. Very great efforts have been made lately in this direction, the majority of the mines having taken up the matter with energy. The improvements recommended by Medical Officer have been very widely adopted. Their adoption is not yet universal, owing in part to the scarcity of labour and also material, but it soon will be. Unfortunately the results so far are disappointing; the figures are August 78.38, September 69.35, October 65.63. Medical experts are, however, unanimous that improvements effected must tell in time. No doubt one reason of recent high mortality is that, owing to extreme scarcity of labour, mines have been recruiting any natives they could get, however poor their physique. The short-sightedness of this course is now fully recognized, and I anticipate a great diminution of sickness in consequence. Exceptional death rate in case of Portuguese natives has fallen in last three months from 15.94 to 7.42 above general average. As regards Chinese, I am, of course, alive to vital importance of making arrangements for their housing and food most conducive to health, and am in communication with Medical Officer on these points. In my opinion, it will be much easier to start the Chinese compounds from the first on a proper basis than it has been to gradually improve the old defective arrangements for natives. Full report† will be sent by post on receipt of your despatch.

No. 6.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 1.56 p.m., March 3, 1904.)

TELEGRAM.

[*Answered by No.* 11.]

3rd March. No. 1. Your telegram, 27th February, No. 2.‡ Please have full report prepared at once, without waiting for receipt of my despatch, showing rate of mortality in various mines, and what steps have been taken to carry out recommendations of medical officers in each mine, and also what precautions are taken to prevent high mortality among natives recruited from low tropical countries.

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* No. 4. † See No. 11. ‡ No. 5.

No. 7.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 2.30 p.m., March 25, 1904.)

TELEGRAM.

[*Answered by Nos.* 12 *and* 14.]

March 25. No. 1. Your despatch 28th December.* I am anxious to receive copy of Lagden's Blue Book Report as soon as it is ready. It will no doubt contain full information as to the action of the Native Department in safeguarding interests of native labourers as regards treatment, health, and payment of wages and as to the working of the Native Labour Association.

Difficulties referred to in Brownlee's Report as being caused by recruiters representing as a month's wage what is paid for thirty working days and by misunderstandings as to the rate of wages offered and promised to natives for surface and underground work are matters requiring attention, and great watchfulness must be exercised in checking assault and corporal punishment and visiting abuses with adequate penalties.

I am sure that Lagden is exerting his best efforts to correct deficiencies and grievances where they occur, and that the mining industry as a body will steadily continue to give support, but vigilance on the part of the Native Department is essential and cannot be relaxed in connection with the administration of regulations affecting the daily life of so large a section of the population.

No. 8.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 11.15 a.m., March 26, 1904.)

TELEGRAM.

[*Answered by No.* 9.]

March 26. No. 1. In reply to question in Parliament on 24th March asking whether any communications have passed between you and Rand mine-owners as to grievous mortality among Kaffirs working underground, and whether I would lay papers on subject, I replied that I was in communication with you on subject, to the importance of which you were fully alive, and that I was not in a position to lay papers at present. Please send me any correspondence between Native Department and Mining Companies on subject showing what action has been taken.

No. 9.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 10.40 p.m., March 28, 1904.)

TELEGRAM.

March 28. No. 2. Your telegram of 26th March, No. 1.† Despatch containing full information on this subject has gone to you, dated 21st March.‡ This

* No. 2. † No. 8. ‡ No. 11.

despatch contains summary and result of correspondence between Government and Mining Companies on subject of welfare of natives. Correspondence itself is of daily occurrence, and so voluminous that it would be impossible to send it *in extenso*. Pending receipt of despatch I would refer you to report of Commissioner for Native Affairs, especially Appendix 11, included in last year's Transvaal Administration reports.*

No. 10.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received April 9, 1904.)

Governor's Office, Johannesburg, March 21, 1904.

SIR,

I HAVE the honour to transmit to you, for your information, the enclosed territorial analysis of natives holding passports and working in labour districts in this Colony. Similar returns will be furnished you monthly in future.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 10.

TERRITORIAL ANALYSIS of Natives holding Passports working in Labour Districts.

31st January, 1904.

Territory.	Employed on Mines and Works.	In Other Employ.	Total.
Basutoland...	1,493	6,079	7,572
British Bechuanaland	1,269	1,133	2,402
British Central Africa	1,053	188	1,241
Cape Colony	3,873	9,827	13,700
Natal and Zululand	2,105	14,789	16,894
Orange River Colony	172	2,660	2,832
Portuguese Territory	56,006	6,402	62,408
Rhodesia	243	515	758
Swaziland	441	1,153	1,594
Transvaal	6,825	19,382	26,207
Damaraland	465	—	465
Others	325	257	582
Total	74,270	62,385	136,655

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* See page 186 of [Cd. 1551].

No. 11.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received April 9, 1904.)

SIR, Governor's Office, Johannesburg, March 21, 1904.

WITH reference to your telegram of the 22nd February, No. 1, my reply of the 27th February, No. 2, and your further telegram of the 3rd March, No. 1,* I have the honour to enclose particulars respecting the mortality of natives on the mines of the Witwatersrand.

2. In order to obtain the required information the Chamber of Mines was requested, through the Commissioner for Native Affairs, in a letter of which I append a copy, to furnish a full statement showing the action taken by the various mining companies in compliance with the recommendations made by the Committee of Mine Doctors in their report dated the 6th June, 1903.† Enclosure 1.

3. The Chamber of Mines has now supplied this statement in the form of a summary based upon the complete replies to a circular letter from its secretary to all the companies. The correctness of this information has been certified by a return independently prepared in a similar way by the Inspectors of the Native Affairs Department.

4. I forward copy of this summary, from which it will be observed that an earnest endeavour has been made by a majority of the Companies to carry out the suggestions of the Medical Officers as far as practicable, and that considerable improvements have already been effected, and are still being made, in the general living conditions of the native labourers. There has been an evident desire to adopt the principal recommendations to which the Chamber drew special attention in its memorandum of the 3rd September, that is to say in the matter of sanitation, open stoves, diet, housing and hospitals; and there can be no doubt that the all-round consideration which native labourers receive to-day as regards general care and comfort contrasts most favourably with their treatment before the war and with their treatment even a year ago. I have every reason to believe that the Chamber of Mines has this important matter under its constant and anxious consideration. Enclosure 2.

5. I enclose a statement prepared in the Native Affairs Department showing the death rate from the 1st August to the end of February last. It will be seen that the mortality during February has fallen down to 35.52 per thousand. February, however, is always one of the healthiest months. What is encouraging is that the death rate both in January and February is lower, indeed in February much lower, than last year. Enclosure 3.

6. The diagrams marked "A" and "B" herewith, as compiled from statistics in the Native Affairs Department, contain instructive particulars as to the native mortality during the year 1903, and as to the principal causes of the death rate from the 1st July to the 31st December, 1903. Enclosures 4 and 5.‡

7. It appears from the diagram "A" that the average rate for the year 1903 was 71.25, and that the most fatal months, exceeding 70 per thousand per annum, were—

July	112
June	88
May	79
November	79
August	78
December	78

whilst the healthiest months, under 70 per thousand per annum, were—

September	69
October	65
January	61
April	52
March	49
February	45.

8. The mortality in January, 1904, was 60.44, as compared with 61 for the corresponding month of 1903, and in February this year it was 35.52, as against 45 in February, 1903.

* Nos. 4, 5, and 6. † See page 388 of [Cd. 1897]. ‡ Not reproduced.

9. As regular statistical records have only been kept since the 1st January, 1903, it is not possible to draw any further monthly comparisons at present.

10. The most striking feature in diagram "B" is the extraordinary mortality from pneumonia, which is accountable for about 56 per cent. of the whole death rate. The only other noticeable causes are dysentery, meningitis, and scurvy. I understand that these diseases are engaging the closest attention of the Medical Officers on the mines, upon whose advice all precautionary measures are being taken to contend against them.

Enclosure 6.

11. The statement received from the Witwatersrand Native Labour Association points conclusively to the fact that deaths amongst labourers recruited in Portuguese territory and in the Northern Transvaal—the two main sources of supply—occur principally during the first three months of service, and in a most marked degree during the first month. It indicates also that the death rate falls in a perceptible manner from the end of the third to the seventh month.

12. These figures clearly bear out the contention that the high mortality is primarily due to the impoverished condition in which the natives generally arrive from their homes at the mines, and to the sudden change from semi-tropical regions to the comparatively cold climate and different altitude of the Witwatersrand. I think, moreover, that the results speak for themselves in favour of the improved treatment of the natives, to which I have already referred. The fact, however, that so many natives succumb on first arrival contains two clear warnings to the mining industry: (1) That far more care should be taken not to recruit weaklings; (2) that even the sound native, from warm low regions, requires special attention at the start. I believe that these necessities are now, for the first time, properly realised, and I hope for as great, or even greater, results from their recognition than from the general improvements in the housing and food of the native workers.

Enclosure 7.

13. I submit a separate return showing the mortality on each of the mines upon which one hundred or more natives were employed during the period from 1st August to 29th February, 1904.

I have, &c.,
MILNER,
Governor.

Enclosure 1 in No. 11.

COMMISSIONER FOR NATIVE AFFAIRS to the TRANSVAAL CHAMBER OF MINES.

SIR, February 24, 1904.

IN consequence of urgent enquiries and representations from the Secretary of State for the Colonies, which have been communicated to me by His Excellency the Governor, I have been called upon to state what action has been taken by the various mining companies, in pursuance of the recommendations contained in the report by the Medical Officers of Mines, on mortality amongst natives of the Witwatersrand.

Attached to and preceding that medical report was a memorandum* issued by the Executive Committee of the Transvaal Chamber of Mines, dated 3rd September, 1903, in which memorandum the Chamber practically adopts the report and indicates that the improvements suggested are already in use in some or other mines on the Rand.

It will now be necessary for me to state definitely what changes have resulted and what are the actual conditions prevailing, and I shall therefore be glad of a positive statement from your Chamber as to the extent to which recommendations referred to have been acted upon.

I have, &c.,
G. Y. LAGDEN,
Commissioner for Native Affairs.

The Chairman,
The Transvaal Chamber of Mines,
Johannesburg.

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* See p. 387 and following of [Cd. 1897].

Enclosure 2 in No. 11.

THE TRANSVAAL CHAMBER OF MINES.

SUMMARY OF REPLIES RECEIVED FROM COMPANIES, MEMBERS OF THE CHAMBER, IN RESPONSE TO CIRCULAR NO. $\frac{4}{04}$.—DIET, HOUSING, ETC., OF NATIVES ON MEMBERS' PROPERTIES.

Name of Company.	PRÉCIS OF REPLIES.					Remarks.
	Para. 4. SANITATION AND WATER SUPPLY.	Para. 5. OPEN STOVES.	Para. 6. DIET.	Para. 7. HOUSING.	Para. 8. HOSPITAL.	
Apex Mines, Ltd. ...	Sanitary arrangements on most approved principle, giving every satisfaction. Compounds disinfected by spraying Formalin and water, and latrines by Chloride of Lime. Water free from impurities.	No reply	Meal, best obtainable, ground at Company's mill. Beans supplied twice, and potatoes, turnips and beet, three times per week; three pints Kaffir Beer per boy per week; 2½ lbs. of meat per native weekly.	Erection of wooden bunks, asphalting of floors, and proper ventilation are in progress, in conformity with medical recommendations.	Competent native attendants employed.	
Angelo Deep ...	Engaged in shaft sinking only. No sanitary abuses. Pure drinking water is supplied.	"Fire Devil" stove still in general use.	Company grows own vegetables. Weekly rations per boy :— Mealie Meal ... ... 14·7 lbs. Meat ... ... 2 ,, Fresh Vegetables ... 2 ,, Treacle ... ... 1 ,, Salt, tea, sugar. A stew of fresh meat and vegetables is also supplied.	280 c/. ft. air space per boy is supplied. Floors are of earth.	Compound Manager personally attends to sick boys, owing to small number in the compound. Only four deaths occurred in six months July 1st to December 31st, of which three had not been in Company's service more than one month. Rate per 1,000 per year : 49.	
Aurora W. United	Company only employs a few boys to assist.	Caretaker—not working the mine.				
Bonanza, Limited...	Sufficient service of sanitary buckets is in use, the buckets being removed daily. Arrangements are being made for a daily supply of drinking water.	Ordinary stoves without chimneys are in use, and in view of the short life of the mine it is thought inadvisable to go to the expense of supplying proper stoves.	Compound Manager inspects all samples of mealie meal. 2 lbs. meal are issued daily per boy; 1½ lbs. best meat per boy bi-weekly, together with an average of 1½ lbs. of vegetables per boy (usually potatoes); 1½ pints Kaffir Beer daily per boy; (propose to substitute coffee or soup in winter) salt, beans, treacle, etc.	Cubic space much more than necessary. Floors are of earth.	In view of the M/O. the health of natives and the hospital accommodation is excellent.	
Brakpan Mines ...	Company is not at present employing native labour.					
Benoni G. Mines ...	Mine not working — no natives employed.					
Boksburg G. Mines	Mine not working — no natives employed.					
Bantjes Consolidated.	No work carried on.					

Name of Company.	PRÉCIS OF REPLIES.					Remarks.
	Para. 4. SANITATION AND WATER SUPPLY.	Para 5. OPEN STOVES.	Para. 6. DIET.	Para. 7. HOUSING.	Para. 8. HOSPITAL.	
Crown Reef G. M Co.	Recommendations carried out in accordance with Art. 146, Section 15, of New Mines and Works Regulations. One sanitary bucket in levels 1 to 5, two in levels 6 to 8, and three in level 9.	Recommendations will be carried out before the winter sets in.	Boys are dieted in accordance with Committee of Doctors' Report, with addition of coffee to boys coming off shift. All boys supplied with Kaffir Beer twice a week in summer, and also in winter if required. Since introduction of these rations Company has not had a single death from scurvy.	150 cubic feet per boy is allowed. Flooring recommended has not been adopted, owing to shortness of remaining life of mine. Floors are of earth.	All recommendations of the Committee of Doctors have been carried out in the compound hospital.	Enquires if anything has been done in connection with Native Hospital Corps.
City and Suburban G. M. Co.	As the works are on 14 different levels, difficulty is found in placing the buckets central enough. Company completing a new trolley arrangement, which will shortly be in use. Natives are warned against drinking mine water. Some natives carry fresh water into the mine with them.	No reply	Two meals daily. One consists of coffee and mealie meal with sugar. The other of mealie meal with either meat, soup, or vegetables.	Over 200 c/. ft. air space per native. Floors are flagged; bunks washed and disinfected regularly.	Well cared for by the Compound Manager and superior Basuto assistants.	Swimming bath has been constructed and a change house erected near the main shaft. Company has at all times readily embraced any proposals made by its M.O's.
Consolidated Langlaagte.	Bucket system used. Water is supplied from the Johannesburg Water Works E. and E. Co.	No open stoves have been used.	Usual rations are :— 2 lbs. mealie meal per day. 2 lbs meat per week. 2 lbs. beans per week. Lime juice and Kaffir Beer once per week. Pumpkins.	Accommodation for 1,000; only 201 occupants.	Hospital for 10 patients. Encloses report of Medical Officer, stating that for the present 201 occupants the compound and hospital accommodation is sufficient. With increased number does not consider ventilation and flooring of compound would be satisfactory, and hospital accommodation would be insufficient. Diet is liberal and varied, and there are no signs of scurvy in compound.	
Champ D'Or French	Improvements in sanitation have been effected, and an abundant supply of filtered water assured.	No reply	Question of diet has been given due consideration.	Movable beds have been erected.	Hospital and mortuary have been built. District Surgeon expresses high satisfaction with the arrangements.	Careful attention has been given to Doctor's recommendations, and strict attention will continue to be paid to the question.

Consolidated M. R. M. & Est.	Good sanitary pail system is adopted. Natives carry drinking water from the shaft head.	Proposes to introduce the stove recommended by the doctors in winter.	Schedule of diet: Coffee and biscuits every morning, meal or ground biscuits three times daily; also stew consisting of ½ lb. each meat and vegetables on Tuesdays and Thursdays, 1 lb. meat on Saturdays, and Kaffir Beer on Sundays.	Air space provided for 3,000 natives, but only 600 on the property. West compound will probably have to be rebuilt. Brick floors are being laid in the East Compound.	Present hospital accommodation ample, but new hospital will be built when number of natives increases. Ex R.A.M.C. will take charge under the Company's M.O.	When necessary natives are provided with clothing, cost being deducted from pay. Natives are vaccinated on arrival at mine if required. Encloses favourable report of M.O.
Crown Deep ...	Conditions of Art. 146 of Mines Works and Machinery Regulations have been complied with. No reply has been received re water supply.	New stoves, of a type whose efficiency is equal to those recommended by the doctors are being put up.	Doctor's recommendations are as far as possible being carried out.	Improvements are now being carried out, and when finished air space will be even more than that recommended by the Doctors' Report.	New hospital is about to be erected, on lines of Doctors' recommendations. Every attention is being given to the sanitation of the present hospital.	
Cassel Coal Co. ...	Old workings fenced off and disinfected. Cask of clean water placed in each district for the use of natives.	Will adopt a stove of pattern recommended when new compound is built.	Following out their own Medical Officer's instructions.	Housing for 1,000; only 366 natives employed.	Adhering to recommendations as far as possible.	
Durban Roodepoort	Every precaution taken. Bucket system in charge of flat-sheet boys, who disinfect and wash seats over once per day. Buckets are removed every second day. Good mine water underground. Enteric very rare.	Properly hooded stoves have been ordered for each room, which will be in working order before the winter.	Consists of coffee, mealie meal, beans, potatoes, meat and vegetable soup, meat, Kaffir beer, and molasses.	Compound being altered and made up to date. Floors being laid in concrete. Good ventilation. Movable bunks.	At present accommodation for 30 beds. New hospital under construction on modern lines. Special diet. In charge of R.A.M.C., with two attendants for each 15 patients. Hospital clothing is disinfected.	
Durban Roodepoort Deep.	Bucket system in use, removed daily. Latrines provided in convenient situations. Unlimited supply of pure drinking water.	No reply	Mealie meal of best quality daily. Meat twice per week. Unlimited supply of vegetable of sorts. Kaffir beer twice per week.	—	Excellent accommodation for 36 patients, divided into three wards. Hot and cold baths. Diet as ordered by the doctor. Heated by steam pipes throughout. One white and three native assistants.	Present percentage of natives incapacitated is 4·8 per cent. as against 7·77 per cent. for last quarter of 1903.
Driefontein Deep ...	Work just commenced, and native compound only.	Now in course of construction.				
East Rand Proprietary.	Sanitation: Recommendations of Executive Committee are complied with. No pure water on property, except that brought from Johannesburg which is laid on to the property.	Stove has been placed in each room—pattern not specified.	5 a.m., tea and biscuits, 12, mealie meal, rice or beans, 5–6 p.m., meat and vegetable stew and mealie meal five times a week. 1 lb. fresh meat weekly.	Compounds have been improved. Ventilators in back walls replaced by louvres in roof. Asphalted floors. Air space:— Driefontein ... 154·2 Angelo ... ... 158·8 D & A Joint ... 229 Cason ... ... 166·3	Hospital Return Book kept. Dangerous cases isolated. Clothes disinfected. White attendant at £30 month and trained hospital attendants. Exhaustive report showing excellent condition of compound.	Death rate due to condition of boys on arrival and change of climate. Supports idea of a retention compound and hospital.
Ferreira G. M. Co.	Sanitary buckets are used in accordance with mining regulations. Daily inspection made by sanitary police boy. Connected with Town water supply: also have spring underground. No special provision made.	Will arrange for introduction of new stoves in winter.	Liberal allowance of meat, fresh vegetables, Kaffir beer, salt, treacle, lime juice, &c., when ordered by Medical Officer.	Boys are allowed 150 cubic ft. air as recommended. Concrete or asphalte floors not adopted, as compound is an old one and may have to be rebuilt.	Cases of serious illness are generally sent to the Johannesburg hospital. A large room has been fitted up, which meets with the approval of the Company's doctor.	

Name of Company.	PRÉCIS OF REPLIES.					Remarks.
	Para. 4. SANITATION AND WATER SUPPLY.	Para 5. OPEN STOVES.	Para. 6. DIET.	Para. 7. HOUSING.	Para. 8. HOSPITAL.	
Ferreira Deep ...	Bucket system used. Native police see that the old workings are not used. Arrangements for a pure water supply have been made.	Will be taken in hand shortly.	Usual allowance of meal, 1 lb. meat twice per week with vegetables. Dried beans once per week. Compound manager inspects all meal. Grinding mill is being erected.	Stock brick floors with cement grouting are being laid down.	Hospital recently built on lines laid down in report at cost of £2,600. Qualified dispenser and four native assistants.	
French Rand ...	Underground sanitation attended to. Pure water.	Open stoves abolished and closed stoves being installed.	On liberal scale. If natives not entirely robust given special food.	Ample space, good ventilating, impervious floors being put in.	Being improved. Attendants provided when necessary.	
Geldenhuis Estate	Sanitary arrangements are of the best. Sawdust urinals used. Pure water obtained from the estate.	Stoves as used by East Rand will be put in before winter.	1½ lbs. meat and 1½ lbs. vegetables supplied weekly, served twice a week in the form of stew. Rice served daily and beans twice a week. Porridge, hot coffee, and biscuits served at 5 a.m. Porridge also served at 12 and 6. Convalescents receive extra vegetables, milk, &c. Hospital natives receive special diet as recommended by Medical Officer.	Plenty of air space, but the natives divide the room into small compartments by means of blankets. Does not think advisable to interfere.	Brick lined, ceiled, floored, and well ventilated. Zulu native attendant kept. In addition to clothing supplied by the W.N.L.A., the Company supplies additional blankets when occasion requires.	
Geldenhuis M. R. M. & Est.	Boys take water down mine. Sanitation is in accordance with report.	Nothing done	Two meals daily	Bath house built	Hospital large enough for requirements.	Mine has only five or six months' life remaining. Government Medical Officer exempted mine from making alterations.
Goerz, A., & Co. (Group).	Satisfactory system of sanitation has been installed. Natives have facilities for taking water underground.	May compound and Geduld use a special stove with masonry chimney, which, as opportunity offers, will be used on other mines.	Mines crush own mealies and best meal at 22*s.* 6*d.* per bag of 200 lbs. is used. Daily ration, 4 to 5 lbs. 2 lbs. each meat and vegetables per week. Fruit, salt, and Kaffir beer will shortly be supplied.	More than 150 cubic ft. provided. New May compound is floored with granolithic, Lancaster West with rock, experiments are being made at Geduld to discover a suitable and less expensive flooring.	New hospital has been erected on May, Consolidated, Princess and Roodepoort Central Deep, Lancaster West and Geduld are sufficiently large.	Question has always had the attention of this group. Since war £13,800 has been spent on compound and hospitals. The carrying out of all the recommendations must be a gradual one.
Geduld Proprietory	Spring water supplied. Company is only in a developing stage.	Open fire place with brick chimney.	Meat twice weekly. Mealie meal in sufficient quantities, potatoes or onions twice a week, peanuts once a week. Kaffir beer twice a week. Special diet for natives in hospital.	Boys herd together. As far as is known, no ill effects have occurred. Rooms of compound are cleaned twice per day.	Dangerous and infectious cases are isolated. Special care is taken of sick natives.	
Geldenhuis Deep ...	Underground sanitation is good. Bucket system used.	Intend to put up stove of recommended type.	Recommendations have been adopted, and as a result sickness is very low, scurvy being reduced to a minimum. Company grows own vegetables. 3 pts. beer and 2 lbs. meat weekly.	Floors of compound being laid with brick. A window equal to 1–10th of the floor area is being put in each room, and a louvre ventilator over door. This should ensure perfect ventilation.	—	Recommendations are being carried out as far as possible.

Glen Deep	Bucket system in use. Underground workings are sanitary. One white man and three boys constantly employed on sanitary service.	Stoves of recommended type are being adopted.	Coffee, biscuits, porridge, beans. On Sundays 1¼ lbs. meat, 1 lb. vegetables, 1 pt. Kaffir beer, and porridge ad lib.	Recommendations are being adopted in full.	Arrangements are being made for the erection of hospital on the lines recommended, Special diet allowed hospital natives. A white man late A.M.C., in charge.	A new kitchen with steam cooking, has been erected.
Glencairn M.R. G.M. Co.	Pail system in use underground; bucket system and urinals in compound. Water supplied from Johannesburg Water Works Main.	Arrangements are being made to instal stoves similar to those recommended.	Mealie meal, rice, beans and potatoes. One pound of meat weekly. Lime juice is supplied.	More than 150 cubic ft. space allowed. Floors of slate slabs outside bunks. Windows and doors are fitted.	Sick natives receive every care. An Indian coolie is employed, a very competent man, at a salary of £10 per month.	
Henry Nourse G. M. Co.	Two or three boys are employed cleaning and disinfecting. The natives come to the surface during shift for water.	Fire bucket is in use, but the stove recommended will be given a trial.	Beef twice per week, best meat obtainable, fresh vegetables, coffee and sugar.	Ample space provided. Floors are of earth, but are kept clean.	Company has hospital for minor cases of sickness or accident.	Boys are in excellent condition, and health is good.
Jumpers Deep ...	Town water supplied. Dr. Balfour reports underground sanitation is satisfactory.	Receiving attention ...	Diet approximately that recommended	Air space as suggested. Floors, &c., being made to comply with report.	Hospital improved on lines laid down, with most satisfactory results.	
Jupiter G. M. Co....	No compound attached to property. Therefore reply to circular impossible.					
Jumpers G. M. Co.	Sanitation attended to. Water excellent.	Open fires will be replaced by closed stoves before the cold weather.	Mine Doctor's suggestions are complied with to a great extent.	Compound old. Life of mine short. Directors therefore hesitate to incur expense of new one.	Hospital and Convalescent Ward in separate enclosure, with native attendants.	
Knights Central ...	Underground sanitary system being arranged.	New compound being built, in which provision will be made for stove and ventilators.	Mealie meal, biscuits, beans and potatoes twice per week, vegetables and soup meat once per week, meat once per week, sugar and lime juice daily.	150 cubic feet allowed. Floors of concrete or asphalte.	Company will erect Hospital when number of natives employed justifies the expense. In the meantime all bad cases are sent to the Witwatersrand Deep.	
Knights Deep, Ltd.	Bucket system is used. Quality of water is good.	Will instal a stove with chimney before the winter.	Food is equal to that recommended by the Doctors.	200 cubic feet per man is allowed. Wooden bunks and earth floors to the rooms.	Well equipped Hospital for 50 cases. Separate accommodation for infectious cases. Bath room, &c. White man and trained native assistants employed.	
Langlaagte Deep ...	Bucket system in use. No water supply underground, as plenty of good water on most of the levels.	Stoves recommended will shortly be introduced.	Meat twice per week; Kaffir beer every night; coffee in mornings, mealie meal, rice, dried beans and vegetables.	Windows, cement floors, and iron bunks are being installed. Air space not stated.	Company has Hospital and operating room, accommodation for 20 beds.	Sickness has lately decreased materially. Sickness largely due to poor physique of boys, who arrived in a debilitated condition.
Luipaards Vlei Estate.	As soon as circumstances render it possible, the management will deal effectively with this matter.	When proposed alterations take place, question of heating and ventilation will receive attention.	Porridge, Kaffir beer, 2 lbs, meat, vegetables, salt, &c.	335 cubic feet air space per head, over the average number of natives in the compound during the last six months.	Cape boy attendant, who is satisfactory for ordinary cases.	Consider it desirable that there should be a proper hospital in each mining district, where serious cases could be sent. Attributes high mortality to insufficient nursing. Suggests native missions might take this up.

Name of Company.	PRÉCIS OF REPLIES.					Remarks.
	Para. 4. SANITATION AND WATER SUPPLY.	Para. 5. OPEN STOVES.	Para. 6. DIET.	Para. 7. HOUSING.	Para. 8. HOSPITAL.	
May Consolidated...	(See A. Goerz & Co.)					
Meyer & Charlton...	Water supplied from the Johannesburg Water Works Estate. Natives take water with them when going to work. Sanitation at present not satisfactory, but this will shortly be remedied.	Open stoves in use, but will be discarded when new compound is erected.	Mealie meal twice per day; stew twice a week made from meat and various vegetables.	More than 250 cubic feet air space per native. Compound is old, and it is purposed to shortly erect a new one, with all latest improvements.	Boys are fed as ordered by Doctor. Invalids' blankets are washed weekly. Educated Fingo and another native are employed as attendants.	
New Heriot ...	Sanitation is in the hands of the Municipality. Buckets used.	Not provided...	Recommendations are followed with slight variations.	Provision has been made for 150 feet air space. Compound floors have been concreted, and wooden bunks put in.	Recommendations in regard to conveniences, attendants, diet, infectious diseases, &c., are being complied with.	Adoption of recommendations has reduced sickness from 14·275 per cent. to 3·308 per cent.
New Kleinfontein Co.	Old workings have been properly cleaned, and a native constable sees that they are kept free from pollution. Water supply is good.	Agrees with suggestion re open stoves.	Porridge three times per day; 3 lbs. meat per week; plenty of vegetables.	No reply	Swazi hospital attendant employed, who carries out his duties satisfactorily.	
New Modderfontein G. M. Co.	Sanitation is satisfactory. Water supply is being improved, and a filter is being put up.	Expect to get this fixed before winter.	Mealie meal, 1½ lbs. per day; army biscuits, ½ lb. per day: vegetables, 1 lb. per week; meat, 3 lbs. per week; sugar, 7 ozs. per week. Boys cook their own meat.	Compound is being improved, and asphalte floors are being put down.	Hospital being enlarged and improved. Bath, cookhouse and mortuary will still be required.	
New Primrose G. M. Co.	Pails in use, cleaned daily. In compounds bucket system in use. Water supply from the Johannesburg Water Works main.	Arrangements will be made to instal something of this kind for the winter months.	Mealie meal, rice, beans and potatoes; at least 1 lb. of meat per week; limejuice.	Compound considered to be the best on the Rand. Fully 150 cubic feet of air has been alloted per native.	Hospital of brick, with all necessary appliances. Under supervision of Medical Officer, who has under him a white man holding certificates from the R.A.M.C.	
New Rietfontein Estate.	Underground workings are cleansed with chloride of lime, &c. Water is obtained from upper workings of mine, and filtered before use.	No stoves used	Mealie meal, 2 lbs. five days a week; beans, 2 lbs. two days a week; rice, 2 lbs. seven days a week; meat, 2 lbs. one day a week; vegetables, 2 lbs. one day a week; beer, 2 quarts one day a week; limejuice, sugar and coffee.	Compound is an old one, which has been refitted with bunks. Compound is not unhealthy.	Hospital has been inspected by the Inspector of N./A. Beds are provided. Hospital is disinfected. Blankets used by patients are washed.	Statement enclosed, showing a falling-off in sickness during the 2nd and 3rd months after arrival.
North Randfontein	Underground water good, and also that in well at compound. Sanitary buckets at each level.	No stoves in compound ...	Diet: ½ lb. beans or potatoes daily; 2 lbs. meal daily; 2 lbs. meat weekly; ½ gallon Kaffir beer weekly; meals twice daily.	178 cubic feet per native ...	Ample accommodation. Special diet given to sick natives, &c.	

Princess Estate ...	Bucket system used. Special attention paid. Stopes have been cleansed. Good supply of pure water distributed by pipes all over property.	Similar stoves to those recommended will be introduced before the winter.	2 lbs. meal daily; 3 lbs. meat every second week; 1 lbs. beans twice a week; vegetables at least once a week.	216 cubic feet per native, on present complement. Floors are of ant-heap.	Brick Hospital has been recently erected, with accommodation of 40 beds. Native attendants of superior class are engaged. All suggestions in the Report have been carried out as far as possible.
Paarl Central ...	Company only employs 2 boys, so no arrangements made.				
Porges Randfontein	Sanitation in compliance with Para. 146, Section 15, of Mines Works and Machinery Regulations. Pure water provided.	Under consideration ...	Plentiful supply good meal and biscuits daily; 2 lbs. fresh meat weekly; 4 lbs. vegetables in season; 1 gallon Kaffir beer weekly.	Calculated on number of natives on property, each native has 200 cubic feet air space. Ant-heap floors.	Experienced attendants from Basutoland.
Rietfontein "A." Ltd.	Sanitary arrangements comply with Art. 146 of Mines Works and Machinery Regulations. Water supplied from natural springs underground.	Considering question of installing suitable stoves before winter.	1½ lbs. mealie meal issued daily, and one pint of sugared coffee. 1 lb. meat and 3 lbs. vegetables are issued per week. Lime-juice, molasses, &c. 1 pint Kaffir beer per week.	Compound in fair condition. Earth floors.	Temporary native hospital in charge of white attendant (A.M C.), assisted by mine natives. Special diet.
Robinson G.M. Co. .	Arrangements being made to conform to sanitation required by Mining Regulations. Natives take water down mine. A spring of drinkable water exists underground.	Owing to hot weather, this subject has not yet been considered.	Recommendations are practically being carried out.	Owing to small number of boys available, air space is far in excess of requirements.	Hospital meets recommendations of Committee on all points. Medical attendant in charge. Do not supply superior attendants.
Robinson Deep G.M. Co.	Drains from kitchen, latrines and closets have been cemented. Water has been analysed and found satisfactory.	Stoves are on order of type recommended.	Porridge, treacle, coffee, biscuits, beans, potatoes, onions, &c. 2 lbs. meat and 1 quart Kaffir beer weekly.	Air space far exceeds 150 ft. Covering of floors with hard and cheap substance is having close consideration.	Hospital is well known to be one of the best constructed. Hospital is in charge of an English doctor and an Indian hospital attendant. Sick natives receive special diet, as ordered by doctor.
Robinson Central Deep	Shaft sinking only was carried on in 1903, so no sanitary arrangements have been provided underground. Good water is taken down the mine.	Open stove pattern will shortly be adopted.	No alteration has been made in diet, but food for sick boys is cooked in mine boarding house.	New bunks have been fitted. Each boy has 150 cubic feet air space.	Hospital accommodation of 12 beds. Number of boys is small and sickness little. Have not found it necessary to supply an attendant.
Roodepoort G.M. Co.	Sanitation in accordance with Art. 146 of Mines Works and Machinery Regulations. Arrangements are in hand to introduce the bucket system underground. Natives obtain their water from tanks. The water is obtained from a spring.	Improved stoves will be provided in projected new compound.	1½ lbs. mealie meal per boy daily. 2 lbs. meat per boy per week. 3 lbs. vegetables per boy per week. Lime-juice, coffee, salt, &c.	Air space of much more than 150 cubic feet per boy is provided. New compound is projected which will fulfil all the requirements of the Commission of Medical Officers.	Accommodation is at present ample. New hospital will be built simultaneously with new compound, and no doubt it will conform to recommendations.

Name of Company.	PRÉCIS OF REPLIES.					Remarks.
	Para. 4. SANITATION AND WATER SUPPLY.	Para. 5. OPEN STOVES.	Para. 6. DIET.	Para. 7. HOUSING.	Para. 8. HOSPITAL.	
Roodepoort Central Deep.	Pail system in use, emptied daily and disinfected.	Hopes in winter to have some sort of heating apparatus which will serve the purpose as well as the stoves recommended.	Two meals daily. Mealie meal, fresh meat, Kaffir beer, beans, fruit, vegetables, coffee.	Compound consists of 50 sleeping rooms, 15 feet × 30 feet × 10 feet, with an average of 11 boys in each room. Bunks are of wood, floors of ant-heap, compound disinfected with Formalin.	Hospital shared with the Princess Estate, to accommodate 40 patients. Bath room, &c. Food cooked by steam.	
Rose Deep	Sanitary buckets used in accordance with Doctors' recommendations. A few uncontaminated springs are used below the surface.	Arranged to put in stoves on receipt of instructions from Head Office.	Diet practically that recommended ...	Have double air space required for present number of boys, but will want additional rooms before maximum is reached. Brick in cement floors are being put in.	Hospital rooms are properly floored and arranged with infectious room. Attended by a qualified R.A.M.C. man. Erecting a new hospital on improved plan.	Health of boys is above average. For the six months covered by the Report, death rate was 23 per 1,000 per annum.
Rand Victoria East	No compound attached to property, so reply to circular impossible.					
Rand Victoria Mines	No compound attached to property, so reply to circular impossible.					
Rietfontein "B" ...	See New Rietfontein Estate, from whose compound natives are furnished.					
Roodepoort U.M.R.	Sanitary provisions are complied with. Water taken down in bottles, under police supervision.	Not complied with, as introduction of them would be costly. Waiting for instructions.	Low death rate proves diet to be satisfactory.	Air space pronounced sufficient by medical inspector. Ventilators fixed. Brick flooring would cost £500 to £600, so awaits instructions. Everything done to minimise risk of infection.	Suggestions of Report are carried out. Natives are thoroughly attended to.	Points out that small percentage of sick boys speaks for itself.
Randfontein G.M. Co.	Sanitation satisfactory ...	Being considered	Two meals daily. Mealie meal, potatoes, pumpkins, fresh meat twice weekly. Scurvy almost unknown.	Compound old. Building an addition to accommodate 1,000 boys, with airy rooms, well ventilated, and ashphalte floors.	New building put up. Good staff of Basuto and Xosa boys.	
Simmer & Jack W.	Recommendations are all being carried out as far as possible.					
South Geldenhuis Deep.	Compound is thoroughly disinfected twice weekly. Water is obtained from Knight's Deep, and comes from the mine.	Compound was built some years ago, and no stoves were placed in the rooms.	Colonial meal, biscuits, potatoes, and fresh meat.	300 cubic feet air space per native.	Special diet. Clothing of natives who die is destroyed and rooms where infectious cases have lain are disinfected. Low rate of sickness.	

South Nourse, Ltd.	Mine is only a sinking one. Surface sanitation and water is of the best.	New stove will be adopted in new compound.	Mealie meal, treacle, beans, rice, 1½ lbs. meat per week.	New compound of 13 rooms. Floors are of good hard burnt brick. Grouted in with cement.	Company is a member of the Nourse Joint Hospital. No complaints from the Government Inspector.	
South Rose Deep	Using Knight's Deep water. Not good quality. Sanitation good.	Open braziers still used ...	Mealie meal porridge in sufficient quantity, containing 25 per cent. of army biscuits, 2 lbs. meat, and 1 lb. of vegetables weekly. Intend to give soup in cold weather.			
Simmer and Jack...	Use double number of pails law requires. No underground water.	Being put in	Had many deaths from scurvy in spite of supplying better food. Scurvy begins in rainy season. Two white men and a doctor have had well marked cases. Medical Officer's report enclosed. Meat ... ... 1·69 lbs. weekly. Vegetables ... 2·42 „ „ Coffee ... ... 1·36 ozs. „ Sugar ... ... 6·78 „ „ Lime Juice ... 0·61 pints. Biscuit meal as much as they like. Beer ... ... 2·66 pts. weekly. Molasses ... 4·00 ozs. „	If huts were full, which they are not, there would be 120 cubic feet space. Asphalte floors are put in.	Hospital meets all requirements. White attendant. Drs. Davies and Pakes say :—"We have nothing but praise for the hospital accommodation."	
Simmer and Jack East.	Pail system; good disinfection. Pure supply of water underground.	Not in use	Conforms as nearly as possible to the Doctor's Report.	150 cubic feet space. At present owing to not having full complement, cubic space is about 600 feet per boy.	No separate compound. Complied with the recommendations as far as possible. Infectious cases are isolated.	
South Randfontein	Sanitation in compliance with paragraph 146, Section 15, of New Mines Works and Machinery Regulations. Pure water provided.	Under consideration ...	Best meal and plentiful supply of fresh vegetables. Two meals daily.	New compound under construction, up-to-date, well ventilated, asphalte floors, movable bunks.	Experienced natives are employed. Every care given to patients.	Out of 2,000 natives employod, six deaths only occurred last month.
Transvaal Coal Trust.	Recommendations have all been practically carried out as per Doctors' Report.					
Treasury Gold Mines.	One common latrine, which is well disinfected. Natives carry good water down mine in bottles.	Will be introduced prior to winter.	Recommendations are strictly adhered to.	200 cubic feet air space to each native. Half floors are asphalted.	Question is under consideration. Hope that Jumpers Deep will enlarge their hospital for the accommodation of the Treasury natives.	
Tudor G.M. Co. ...	As Company has but few boys in its employ, it has had no opportunity to carry out the recommendations made.					
Village Main Reef	Sanitation satisfactory. No reply re water.	Open stoves are used, but a better system of heating the rooms is under consideration.	1½ lbs. best meal per day. No sugar. 4½ lbs. vegetables weekly. 2 to 3 lbs. meat soup per week. Quart of beer every Sunday.	Cubic feet air space is ample. Rooms of wood, iron lined, brick and asphalte floors.	Hospital accommodation as recommended in the Report.	

Name of Company.	PRÉCIS OF REPLIES.					Remarks
	Para. 4. SANITATION AND WATER SUPPLY.	Para 5. OPEN STOVES.	Para. 6. DIET.	Para. 7. HOUSING.	Para. 8. HOSPITAL.	
Vogelstruis Est. and G.M. Co.	Every precaution taken. Bucket system in charge of flat-sheet boys, who disinfect and wash seats over once per day. Buckets are removed every second day. Good mine water underground. Enteric very rare.	Properly hooded stoves have been ordered for each room, which will be in working order before the winter.	Consists of coffee, mealie meal, beans, potatoes, meat and vegetable soup, meat, Kaffir beer and molasses.	New compounds have been erected on the most up-to-date lines.	At present accommodation for 30 beds. New hospital under construction on modern lines. Special diet. In charge of R.A.M.C., with two attendants for each 15 patients. Hospital clothing is disinfected.	
Vogelstruis Consolidated Deep.	No work is carried on.					
Violet Consolidated	Company is not working.					
Wemmer G.M. Co....	Sawdust urinal under consideration. Refuse dumped at rear of compound, and covered with soil.	No reply	Two meals daily. Mealie meal made from sun-dried mealies. Tuesdays, fresh vegetables. Beans twice per week. Fresh meat once per week.	Inspector Cowie states that the compound, from the point of view of sanitation, is the best which he has inspected. Buildings brick lined and whitewashed. Floors of asphalte, ventilation all that could be desired. New kitchen just completed. White employees' quarters are satisfactory.	No reply.	
West Roodepoort Deep	Bucket system in use. Drinking water of fair quality obtained from a sump in the east shaft.	Nothing done at present ...	Coffee and biscuits, 1½ lbs. porridge per day, meat and vegetables, stew twice weekly. Meat allowance something over 2 lbs. meat per boy per week.	150 cubic feet air space is provided. Floor of earth.	One of the rooms in compound is being fitted up as a hospital. Floor being concreted, 6 movable cots will be provided; more if found to be necessary.	
Witwatersrand Deep	Company has a sanitary system underground.	Provision being made in new compound for stove and ventilator.	Mealie meal. Biscuit meal. Beans twice a week. Potatoes twice a week. Soup once a week. Meat once a week. Lime juice and sugar daily.	New compound amply provides for 150 cubic feet per native. Floors will be of asphalte.	Hospital, accommodating about 80 patients, has been built.	Heaviest death-rate occurs from July to November from scurvy and pneumonia. Company cultivates its own vegetables. Change house, soup kitchen, &c., has been erected at West Shaft to prevent pneumonia.

Wolhuter G. Mines	Sanitation is good. Boys take good water with them down the mine.	Ordinary stoves without flues supplied.	Two meals daily, consisting of 1½ lbs. mealie meal, beans once a week, meat and fresh vegetables on Sundays. Coffee, &c., in mornings. Kaffir beer once per month. 1½ lbs. meat considered sufficient.	Floors of mud and cannot be flushed. Bunks have not been erected, and the boys "crowd."	Hospital is visited every day by a Doctor and a Transkie native.
Windsor G. Mines...	Good water from natural springs. Suitable sanitation. Old workings forbidden.	No reply	Two hot meals daily. Vegetables twice a week. 2 lbs. meat weekly. Kaffir beer once per week.	Stone walled building, well ventilated and drained, on hard bottom. Wooden sleeping bunks.	Hospital equal to complement. First-class native assistant. Sickness generally from new batches of boys.
Witbank Colliery ...	Efficient sanitary system. Good water supply under and above ground.	Best pattern now adopted ...	Mealie meal biscuits and vegetables every day. Meat twice a week. Kaffir beer on Sundays, also soup and coffee.	150 cubic feet per man. Asphalte floors flushed regularly.	Hospital approved of by N. A. Department. Trained native assistant.

Enclosure 3 in No. 11.

NATIVE MORTALITY on Mines in Johannesburg, Boksburg, Germiston, Krugersdorp, Springs, Heidelberg, Klerksdorp, and Vereeniging.

Month.	No. of Natives. employed.	No. of Deaths.	Death Rate per 1,000 per annum.
1903.			
August	74,324	486	78·38
September	73,967	428	69·35
October	76,141	417	65·63
November	75,256	498	79·31
December	75,111	490	78·27
1904.			
January	75,249	379	60·44
February	76,359	226	35·52
Average	75,201	418	66·70

N.B.—The figures in the second column show the number of natives employed on the last day of the previous month, plus the total increase during the month.

Enclosure 6 in No. 11.

WITWATERSRAND NATIVE LABOUR ASSOCIATION, LIMITED.

Between June 1st and December 31st, 28,669 East Coast natives (twelve months' contract) were allotted to members. Of these natives 1,083 were reported as having died by the 31st December. The following statistics give the period of service prior to the deaths of such natives:—

———	Number.	Per Cent.
Under 1 week	12	·04
„ 2 weeks	89	·31
„ 1 month	389	1·35
„ 2 months	270	·94
„ 3 months	159	·55
„ 4 months	66	·23
„ 5 months	42	·14
„ 6 months	39	·13
„ 7 months	17	·05
	1,083	3·76

Similarly, 3,137 natives from the Northern Transvaal were distributed to members during the same period. The deaths reported being:—

	Number.	Per Cent.
Under 1 week	Nil.	—
„ 2 weeks	1	—
„ 1 month	14	·44
„ 2 months	16	·51
„ 3 months	11	·35
„ 4 months	4	·12
„ 5 months	9	·28
„ 6 months	8	·25
„ 7 months	Nil.	—
	63	2·0

Enclosure 7 in No. 11.

MORTALITY ON MINES AND WORKS employing 100 or more Natives in Johannesburg, Boksburg, Krugersdorp, Germiston, and Springs.

1st August, 1903, to 29th February, 1904.

Name of Mine or Company.	Average number of natives employed.	Total number of Deaths.	Death rate per 1,000 per annum.
Village Main Reef	982	12	20·9
Ferreira Deep	898	40	76·3
Ferreira	1,267	29	39·2
Jubilee	771	59	131·1
Salisbury	672	43	109·7
Wemmer	938	17	31·1
Village Deep	474	16	57·9
Robinson Deep	1,731	75	74·3
City and Suburban	1,117	23	35·3
Henry Nourse	880	21	40·9
Jumpers	653	25	65·6
Jumpers Deep	1,001	50	85·6
New Goch	1,454	20	24·0
New Heriot	765	35	78·5
Nourse Deep	823	31	64·6
Treasury	746	24	55·1
Wolhuter	1,160	22	32·5

Name of Mine or Company.	Average number of natives employed.	Total number of Deaths.	Death rate per 1,000 per annum.
Rand Central Ore Reduction	116	—	—
Meyer and Charlton	802	27	57·7
Langlaagte Block B.	334	6	30·8
Langlaagte Estate	1,901	103	92·9
Langlaagte Deep	947	68	123·1
Bonanza	625	17	46·6
Crown Reef	1,035	24	39·7
Crown Deep	1,241	45	62·2
Robinson	1,389	53	65·4
Angelo Deep	181	12	113·7
Apex	629	27	73·6
Brakpan Colliery	762	43	96·8
Rand Brick and Pottery Works	104	1	16·6
Cinderella Deep	161	8	85·0
East Rand Proprietary Mines	4,644	268	98·9
Ginsburg	1,053	24	39·1
Kleinfontein	457	25	93·7
Modderfontein	561	30	91·7
Rand Central Electric Works	166	1	10·3
Transvaal Chemical Company	100	—	—
Van Ryn	980	30	52·5
Wit Deep	938	74	135·2
Durban Roodepoort Deep	1,043	43	70·7
New Unified	1,388	67	82·7
Princess Estate	222	3	23·1
Roodepoort Central Deep	886	27	52·3
Roodepoort United Main Reef	1,327	42	54·3
Saxon	181	—	—
Vogelstruis Estate	715	41	98·3
Great Eastern Colliery	660	15	39·0
Clydesdale Colliery	887	47	90·8
Tyne Valley Colliery	379	10	45·2
Central Geduld	107	4	64·1
Cassel Coal Company	425	34	137·0
De Rietfontein Colliery	372	11	50·7
South Rose Deep	395	14	60·8
Knight Central	320	11	59·0

Name of Mine or Company.	Average number of natives employed.	Total number of Deaths.	Death rate per 1,000 per annum.
Simmer and Jack East	587	43	125·5
Witwatersrand	1,077	42	66·8
May Consolidated...	897	19	36·2
Glencairn	1,228	63	88·0
Knights Deep	1,093	47	73·7
Rietfontein A	1,015	40	67·6
Glen Deep	912	38	71·4
Dynamite Factory, Modderfontein	762	10	22·5
Geldenhuis Deep	1,557	54	59·4
Geldenhuis Estate	879	32	62·4
Geldenhuis Main Reef	374	14	64·2
New Primrose	1,531	50	56·0
Rose Deep	1,248	44	60·4
Simmer and Jack Propy.	1,983	121	104·6
Simmer and Jack West	377	14	63·7
South Geldenhuis Deep	328	8	41·9
Lancaster West	810	23	48·7
Robinson Randfontein	908	48	90·7
North Randfontein	763	31	69·6
South Randfontein	2,038	90	75·7
Porges Randfontein	412	22	91·4
French Rand	779	39	85·8
Lancaster	711	32	77·1
Luipaards Vlei	293	1	5·9
Nolan's Lime Works	272	6	37·9
Champ d'Or	723	36	85·3
West Rand Central	399	7	30·1
Windsor	394	14	61·0
Consolidated Main Reef	320	18	59·3
Durban Roodepoort	729	17	40·0

Native Affairs Department,
March 10, 1904.

No. 12.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received April 23, 1904.)

[*Answered by No.* 13.]

SIR, Governor's Office, Johannesburg, April 2, 1904.

I HAVE the honour to acknowledge the receipt of your telegram of the 25th March, No. 1,* respecting the treatment of native labourers in the mines.

Sir Godfrey Lagden's bluebook report is in the printer's hands, and I hope to be able to send home a copy by next mail. In the meantime, I enclose a copy of a special report which has been prepared in his Department, and deals specifically with the points raised in your telegram. The printed volume contains the statistics of the work performed by the Inspecting Branch of the Native Affairs Department, since it was instituted just two years ago. The typewritten memorandum is explanatory of these statistics, and also furnishes a further answer to some of Mr. Brownlee's charges to which you refer. I would draw your attention particularly to the sections headed "Complaints as to wages" and "Complaints as to non-fulfilment of promises made on engagement."

No one is more alive than I am to the supreme importance of these questions; and you will, I think, agree that the documents which I enclose constitute a record of unceasing zeal and vigilance on the part of the Transvaal Government.

I have, &c.,
MILNER,
Governor.

Enclosure 1 in No. 12.

MEMORANDUM.

In March, 1902, the Native Affairs Department assumed control over the natives employed on the mines and Inspectors were sent out to the various districts of the Witwatersrand to carry out the system which we organised and laid down for adoption.

In the report of the Chief Inspector, Native Affairs Department, dated 27th of February, 1893 (see Commissioner for Native Affairs' report, Appendix 11, Transvaal Administration Report of 1902†), the procedure adopted in the inspection of a mine, as regards its native employés, was outlined as follows:—

> "To examine and check registers and passports of natives employed, ascertain the number of natives suffering from sickness, and to note the various diseases prevailing. To adjudicate any cases, whether offences or disputes, and transact any business requiring attention. To visit the compound hospitals and kitchens, and generally enquire into all matters affecting native employés."

It will thus be seen that from the commencement of the work of inspection the field of duty was made as wide as possible, the desire being that Inspectors should rather make it their business to interest themselves in all matters affecting the health and general welfare of natives on the mines than that any limitations should be placed upon the scope of their duties.

The work, at first slow, owing to the conditions prevailing in the early months of 1902, has been performed satisfactorily and unremittingly by the Native Affairs Department and through its endeavours improvements have been brought about steadily, the results to-day being that the natives on the mines labour under conditions

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* No. 7.

† Printed in [Cd. 1551].

in direct contrast to those hitherto prevailing, either as regards accommodation, diet, sanitation, or hospital arrangements.

The points given prominence to in the telegraphic despatch of the Secretary of State, No. 1, of 25th March, 1904,* cover so much ground that it has been deemed necessary to deal with them as far as possible *in extenso*. A schedule detailing the action taken in complaints received from natives on the mines and outlining the various improvements effected in their general living conditions since the assumption of duty by the Native Affairs Department is, therefore, submitted. In traversing it, it should be borne in mind that improvements only are shown, and that where no reference is made to a mine, the conditions are under the circumstances either satisfactory or are receiving attention.

In considering the state of things existing at the inception of the work of inspection and the improved conditions prevailing at the present time, reference should be made to the report of the Chief Inspector, Native Affairs Department, of 1902, which has previously been referred to, and to that of the Acting Chief Inspector, of 1903.

The reports in question deal generally with the subject under review.

Native Compounds.—Much improvement has been effected in the general condition of native compounds. This matter was at once recognised as one of particular importance, and from the outset has occupied the earnest attention of the Inspectors of the Native Affairs Department, who have never relaxed their efforts to bring them up to a proper standard of sanitation and general efficiency. Many of them, more especially those of recent construction, are conducted on entirely model lines, while, though some are undoubtedly not up to the standard, there is an evident desire to improve them as soon as circumstances permit. The prevailing financial depression and shortage of labour have been retarding factors, and are mainly responsible for the failure of some companies to join in the progressive movement in this connection. At the same time there can be no doubt that the necessity of having adequate and proper accommodation for the natives employed by them is realised by the mining industry as a whole.

Among the chief improvements which have already been carried out or are contemplated in many of the native compounds are:—

1. *Moveable Bunks, in Rooms.*—This innovation is conducive to cleanliness, and has been entirely successful. By its adoption access may be had to all parts of a compound room, which permits of its being thoroughly cleansed and disinfected periodically, the bunks being scrubbed and dried in the open air.

2. *Stoves in Compound Rooms.*—Open stoves, as a rule placed by natives in the middle of a room and round which they would throng, have been found injurious to health, owing to the fumes having no proper means of escape, and being inhaled by the natives. The new type of stoves, which are provided with iron flues, will, it is hoped, tend to reduce the predisposition to respiratory diseases, from which the native labourers on mines have suffered in the past.

3. *Impervious Floors in Compound Rooms.*—The old style of mud floors, which were almost universally used in compound rooms, are being done away with as far as it is practicable. They are dirty and difficult to clean, while the fact that they form ready receptacles for infected sputum, and are therefore conducive to the spread of infectious diseases is now fully realised. Asphalte or other impervious floors are now being laid down, and their general adoption is only a matter of time.

4. *Change Houses and Shelters.*—In some instances these buildings have been erected at shaft heads as shelters for natives on coming from underground work to the surface. Such provision is eminently desirable, owing to the innate carelessness of the natives in guarding against chill and exposure. Hot coffee or other non-alcoholic stimulant is now issued to them, and blankets or coats are provided as wraps while passing from the shaft head to the compound.

5. *Sanitation.*—The original sanitary arrangements on the mines were of a primitive description. A considerable advance has been made in this connection, as

* No. 7.

will be seen by that portion of the schedule submitted which deals with this subject. Radical reforms have been effected with regard to the natives' latrines and urinals, which in many cases were so badly attended to as to be positively injurious to their health. Various methods to ensure their sanitation are now adopted with success.

The drainage of compounds is now generally good, while baths through which there is a steady flow of clean water, are now almost universally used. In some cases hot water shower baths have been erected and are much appreciated.

6. *Diet.*—This subject is dealt with in the following extract from the accompanying report of the Acting Chief Inspector, for 1903:—

> "Perhaps few of the conditions of compound life have undergone so marked a change for the better as the food. Steam cooking is gradually becoming universal, its popularity being partly due to its cleanliness, but chiefly owing to its economic advantage over the old system. Some difficulty was at one time experienced in testing the nutritive value of food-stuffs supplied, particularly mealies, as expert knowledge was essential. This has now been overcome through the co-operation of the Medical Adviser of the Department. Samples of food-stuffs are now properly analysed, if there is any suspicion, and if found defective the necessary action is taken. The controlled issue of kaffir beer, usually part of the dietary of natives, became legalised under Ordinance 32, 1902, as from the 15th November, 1902. A number of compounds at once took out licences, but there was a disposition to hang back, pending the experimental issue at certain mines. These experiments justified the issue, which it was found easy to control, and this wholesome fluid is now an important factor in the labourer's diet. It is now regarded as conducive to better health and contentment, and its issue is now almost universal."

The scale of food to-day is most generous, and mining companies make every effort to ensure it being of the best quality. Some isolated instances of defective food-stuffs have been exposed through the agency of Inspectors in conjunction with the Medical Adviser of the Native Affairs Department, and the deficiencies have been remedied. Generally speaking, the mines have responded cordially to the demands made upon them to exercise particular control as to the quality of food-stuffs issued to their native employés.

7. *Hospitals.*—The hospital accommodation and general treatment of and attention paid to native patients on the mines is in most cases satisfactory, while, in a few cases, their improvement in this connection is still necessary, the latter is receiving attention. Several excellent hospitals, conducted on modern lines, have been erected, and are under the control of qualified attendants. The medical attendance is efficient and a general movement has to be recorded towards placing the treatment of natives in the hospitals on a proper footing.

Complaints as to Wages.—Comparatively few complaints have been made by natives on the mines as to wages.

It is fully realised by native labourers that appeal against either unfair deductions from wages or wages at a lower rate than promised on engagement may be made to Inspectors or to the District Pass Office Authorities.

The treatment of the natives on the mines in these respects is good, and little difficulty has been experienced in setting right their grievances. Such grievances are almost invariably due to misunderstandings, especially on the part of natives recruited at a fixed rate of wage per month, who are paid only for each day on which they have actually worked. This system has been adopted to safeguard the mining industry against habitual loafing and the incapacitation of native labourers through drink, evils which, under the present administration, have been practically stamped out, can scarcely be considered to constitute a general grievance, as the ticket system of 30 working days a month in vogue on the mines is generally understood by the natives coming from territories from which the labour supply has in the past been drawn.

In view of the fact that since the extension of the recruiting areas a large number of natives now come to the mines who are ignorant of these conditions, and to avoid

the possibility of further misconception, a system has been introduced of registering natives at a daily rate of pay.

The same system has been adopted by the Witwatersrand Native Labour Association, and every effort is being made by that Association through its recruiting agents to clearly explain the terms of contract to all natives recruited by them. It is therefore hoped that no further difficulties will arise on this point.

Complaints as to non-fulfilment of promises made on engagement.—Misrepresentations on the part of unscrupulous labour agents as to terms of agreement have been brought to notice by natives on their arrival on the mines. They are, however, infrequent. In such instances, where sufficient evidence was forthcoming, the licences of agents have been cancelled. That such misrepresentations should be made is the natural outcome of paying agents on commission or by results, which, however, is the only business proposition possible.

Unscrupulous agents profit by the credulity of the native with a view to gaining the capitation allowance. This feature is one which it is impossible to altogether remedy, owing to the frailty of human nature. The greatest discrimination is used in the issue of labour agents' licences, and the regulations under Proclamation 38 of 1901, as amended by Government Notice No. 1195 of 1903 are so stringent that few individuals have temerity to transgress.

Apart from the regulations for labour agents, Section 22 of the Pass Regulations for Labour Districts reads as follows:—

> "Every native accompanied by a licensed labour agent shall before being granted a passport be questioned by the official as to the terms of his agreement of service, and whether such service is voluntary on his part. In the event of it being found that there was coercion or misrepresentation on the part of the labour agent in obtaining the service of such native or that the agreement of service is in other respects void, such native may be sent back to his home at the expense of the labour agent or his employer."

The terms of this section have in a few instances been extended, and natives have at their own request been discharged from their liability to the agent concerned and given permits to seek work locally.

Assaults by European and Native Overseers.—The question of assaults committed by European and native overseers on native labourers is one which has much occupied the attention of this Department, and special instructions have been issued to Inspectors on the subject. For years under the late Government, the system was in vogue of inflicting summary and corporal chastisement where punishment was conceivably due. This principle in a modified form was accepted by almost all compound overseers; in fact, by almost all persons who came in contact with natives. This being so, the new order of things was distasteful, and great difficulty has been experienced in securing conformity to legal procedure. This has now been secured as regards those responsible, but cases of assault still occur where ignorant miners strike natives probably for no other reason than that the natives are unable to understand orders given to them in the most elementary form of "kitchen kaffir." When cases such as these have been brought to the notice of officials, steps have been taken which in almost all cases have resulted in the conviction of the offenders; much has also been done by inculcating into the minds of compound overseers that they and they only are the persons at whose instance justice should be meted out to native delinquents by those in authority.

As regards assaults committed by native overseers, such assaults in a generality of cases are committed as the outcome of an assertion of authority, and it is difficult to determine which was the assailant, the native coming worse out of the encounter being usually the complainant.

In all cases where native overseers have been proved to have assaulted native labourers, they have been punished, and although individual instances will occur, the prevailing conditions on this score may be regarded as satisfactory.

Vigilance.—The utmost vigilance has been, and is exercised by the Native Affairs Department, and every effort is made to safeguard the interests of native labourers

and to promote their welfare from the time of engagement until their return home. The arrangements for their transport by rail to the mines and home again are adequate and every provision is made to ensure their comfort and proper feeding *en route*.

During their term of service on the mines, officials, as will be seen from the fact that 9,345 inspections of mines had been made by Inspectors of the Native Affairs Department up to the 29th February, 1904, are in constant contact with them, while communications with the mining industry as to suggested improvements in the general conditions of their natives is of almost daily occurrence.

A striking testimony to the favourable terms and general hygienic conditions under which natives are at present employed on the mines, is to be found in the contrast in health, physical fitness, and general appearance between natives arriving and those returning to their homes.

Many come to work in a more or less emaciated condition, but few leave who are not in robust health and have not reaped the benefits of regular work, better food and better living conditions than they are accustomed to in their own homes.

Native Affairs Department, Johannesburg, Transvaal,
March 31, 1904.

Enclosure 2 in No. 12.

TRANSVAAL. NATIVE AFFAIRS DEPARTMENT.

MARCH, 1904.

Treatment of Complaints of Natives employed on Mines and Improvements effected in their General Living Conditions since the assumption of control by the Native Affairs Department.

Johannesburg Eastern District.

Johannesburg Central District.

Johannesburg Western District.

Krugersdorp Eastern District.

Krugersdorp Western District.

Boksburg District.

Germiston District.

Springs District.

Middelburg District.

Name of Mine.	Group.	No. of Natives Employed.			Remarks.—Improvements Effected.
		Date of First Inspection.	No	No. on 29.2.04.	
City and Suburban	Eckstein	3.3.02	726	1,211	A Plunge Bath has been built inside Compound.
Meyer and Charlton	Albu	2.3.02	754	693	A new Kitchen with Steam Cooking Apparatus has been erected.
Rand Central Ore Reduction Co. ...	Goerz & Co. ...	14.4.02	51	80	A Small Iron Building has been erected for the accommodation of the sick.
Treasury G.M. Co.	Neumann ...	4.3.02	757	748	An Iron Building has been constructed outside Compound where Kaffir Beer and Coffee are brewed and issued.
Jumpers G.M. Co.	Eckstein	5.3.02	40	740	Main Compound.—The Hospital has been improved and enclosed, and all Patients provided with Blankets and Shirts. The Convalescent Ward has been boarded. Many of the Rooms have been Bunked. A new Urinal has been constructed outside the Compound. The old Iron has been replaced by new on the roof of the Compound.
New Heriot	Eckstein	6 3.02	100	680	A new Bath has been constructed outside the Compound. A Brick and Iron Hospital and a Convalescent Ward have been erected. Concrete Floors have been put down in all Rooms.
Jumpers Deep	Rand Mines ...	7.3.02	140	882	A new Iron Building has been erected near the Shaft Head, for brewing and issuing Kaffir Beer and Coffee. The Hospital has been greatly improved: a new Convalescent Ward has been built. Wooden Stretchers, Blankets and Shirts are provided. All Rooms are being Re-bunked and Brick Floors laid down.
Wolhuter	Neumann ...	7.3.02	111	1,398	A new Kitchen with Steam Cooking Apparatus has been erected. New Urinals and Latrines have been built, also a new Bath. In addition to the present Hospital, a Room in the Compound has been set aside for the sick.
New Goch...	Albu	6.3.02	305	1,413	The Spes Bona Compound has been taken over by this Mine, in addition to their old Compound. New Latrines and Urinals have been constructed. The Sick Room has been enlarged. New Iron Rooms have been erected at No. 4 Shaft.
Henry Nourse	Eckstein	5.3.02	747	750	A new Brick and Iron Hospital has been built. A Sawdust Urinal has also been erected.
Nourse Deep	Rand Mines ...	5.3.02	105	757	A new Kitchen with Steam Cooking Apparatus has been erected. A new Brick and Iron Hospital has been built. A new Iron Building has been erected close to the Shaft Head for brewing of Kaffir Beer and Coffee. The Rooms are all being Re-bunked, and Brick Floors are being put down.
South Nourse	Rand Mines ...	14.11.02	23	152	An entirely new Stone Compound has been built. All Rooms are being Bunked, and Brick Floors are being put down. A new Kitchen with Steam Cooking Apparatus has been erected.

JOHANNESBURG EASTERN DISTRICT.—HEALTH AND DIET.

Name of Mine.	Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leading.	Disinfection and Cleansing.	Remarks.	Cooking Arrangements.	Present Dietary.
City and Suburban ...	Eckstein ...	A New Sawdust Urinal is provided.	Improved New Drains have been laid down from the Compound.	A New Bath has been erected.	Water is laid on to Compound(Town Water).	The Rooms are occasionally Whitewashed and Disinfected.	Blankets and Warm Clothing have been provided for Patients.	Steam Cooking.	Mealie Meal *ad lib.* Meat 2 lbs. per boy per week, issued twice a week. Vegetables, £1's worth to every 100 natives per week. Coffee every morning and evening. Lime Juice when required.
Meyer and Charlton	Albu ...	—	—	—	Water is laid on to Compound.	The Rooms are Whitewashed inside periodically and Disinfected.	Blankets and Shirts have been provided for Patients.	An entirely New Kitchen has been built. (Steam Cooking.)	Mealie Meal *ad lib.* Meat, 1¼ lbs. per boy per week, issued twice a week. Vegetables, 1,000 lbs. per week. Lime Juice, as much as required.
Rand Central Ore Reduction Co., Ltd.	Goerz & Co.	The Bucket System has been established outside the Compound. Latrines have been improved.	—	—	—	The Rooms are Whitewashed periodically and Disinfected.	A Small New Hospital has been erected.	—	Mealie Meal *ad lib.* Meat, 2 lbs. per boy per week.
Treasury G. M. Co ...	Neumann ..	—	Improved New Drains have been laid down from the Compound.	—	Water is laid on to Compound.	Do.	—	Steam Cooking.	Mealie Meal *ad lib.* Meat, 2 lbs. per boy per week, issued three times a week. Vegetables, 2 lbs. per boy per week, issued three times a week. Kaffir Beer, 1 pint each boy per week. Coffee every morning, and Biscuits.
Jumpers G. M. Co....	Eckstein ...	The Latrines have been enlarged.	Do.	—	Do.	Do.	The Hospital has been enlarged. The Floors have been boarded. A Cooking Range is now in use. A Native Orderly has been appointed; and Blankets and Shirts are now provided. The whole place is enclosed.	—	Mealie Meal *ad lib.*, with Treacle. Meat, 2 lbs. per boy per week, issued twice a week. Vegetables, 3 lbs. per boy per week, issued twice a week. Lime Juice.
New Heriot	Eckstein ...	—	Do.	A New Bath has been erected.	Water is laid on to Compound and Hospital.	Do.	An Entirely New Hospital has been built, and Wooden Stretchers provided. New Urinals and Latrines have been constructed. A Cooking Range is now in use. A Bathroom has been built. The whole place is enclosed. A tank for washing clothes is also provided. A Native Orderly has been appointed. Blankets, Shirts, and Great Coats are supplied, and Special Diet is given patients when ordered.	Steam Cooking.	Mealie Meal *ad lib.* Treacle twice a week mixed with Porridge. Meat, 2 lbs. per boy per week, issued twice a week. Vegetables, green and mixed issued every second day. Kaffir Beer 2 pints per boy per week.

JOHANNESBURG EASTERN DISTRICT.—HEALTH AND DIET—*continued.*

Name of Mine.	Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leading.	Disinfection and Cleansing.	Remarks.	Cooking Arrangements.	Present Dietary.
Jumpers Deep ...	Rand Mines	—	Improved	—	Water is laid on to Compound and Hospital (Town Water).	The Rooms are Whitewashed periodically and Disinfected.	The Hospital has been renovated. Stretchers are supplied and a Convalescent Ward, Bathroom, Urinal, and Latrines have been built. A Cooking Range is now in use, and a Native Orderly has been appointed. The whole place is enclosed.	—	Mealie Meal *ad lib.* Coffee twice a a day. Meat, 2 lbs. per boy per week, issued twice a week. Vegetables, 2 lbs. per boy per week, issued twice a week. Lime Juice when required. Kaffir Beer, 1 pint per boy three times a week.
Wolhuter	Neumann ..	*See* Compound Improvements.	Do.	A New Bath has been erected.	—	Do.	In addition to the present Hospital two Rooms in the Compound have been bunked for use of the sick, and an Asphalte Floor has been laid down. Blankets are now supplied.	An entirely New Kitchen has been built. (Steam Cooking.)	Mealie Meal *ad lib.* Meat, 1½ lbs. per boy per week. Vegetables, 1½ lbs. per boy per week. Coffee every morning.
New Goch	Albu ...	Do.	Improved Cement Drains have been laid down from the Compound.	—	Water is laid on to Compound(Town Water).	Do.	The Sick Room has been enlarged and the Floor Boarded. Additional Stretchers have been supplied.	—	Mealie Meal *ad lib.* Meat, 1½ lbs. per boy per week. Vegetables, 1½ lbs. per boy per week. Lime Juice when required.
Henry Nourse ...	Eckstein ...	Do.	—	—	Water is laid on to Compound.	Do.	An entirely New Hospital has been built, which will accommodate 40 Patients. Urinals and Latrines have also been erected. 20 Wooden Stretchers, also Blankets and Shirts have been supplied.	—	Mealie Meal *ad lib.* Meat, 3 lbs. per boy per week, issued five times a week. Vegetables, 3 lbs. per boy per week, issued five times a week. Coffee every morning.
Nourse Deep ...	Rand Mines	The Latrines and Urinals have been improved.	—	—	Do.	Do.	An entirely New Hospital, with 31 Beds, has been built; also a Convalescent Ward, with 12 Beds. There is a European in charge of the Hospital. Urinals and Latrines have been erected, and a Bath provided. A Cooking Range is now in use. Blankets and Shirts are supplied. The whole place is enclosed.	Kitchen renovated. Additional Pots. (Steam Cooking.)	Mealie Meal *ad lib.* Meat, 2 lbs. per boy per week, issued three times a week. Green Vegetables *ad lib.* Beans and Rice twice a week. Lime Juice *ad lib.* Kaffir Beer twice a week. Coffee and Biscuits every morning.
South Nourse ...	Rand Mines	A New Latrine and Urinal have been constructed.	—	—	—	The Rooms are Cleansed and Disinfected.	A Room in the Compound is set aside for the Sick and a Brick Floor has been put down. The Room is well Ventilated, and Stretchers will shortly be erected. All severe cases of illness are sent to the Nourse Joint Hospital.	An entirely New Kitchen built. (Steam Cooking.)	Mealie Meal *ad lib.* Meat, 1½ lbs. per boy per week. Vegetables every second day. Lime Juice.

JOHANNESBURG EASTERN DISTRICT.—VIGILANCE.

Cases of Ill-treatment of Natives.		Details.
Name of Mine.	Date.	
NEW HERIOT G.M.—	1904.	
Native Komaze complained that he had been assaulted by a white man, "Billy."	March 2 ...	Statements were taken down and forwarded to Superintendent of Police Booysens. White man found guilty, and fined £5.

WAGES AND COMPLAINTS.

Complaints of Natives *re* Wages—steps taken, &c., &c.	Complaints as to Non-fulfilment of Promises made by Recruiters.
No complaints.	A gang of 12 Xosa Natives, headed by Xanga, employed on the South Nourse G.M., complained that they were not receiving the money promised them by the Recruiter Tsengiwe. Statements were taken and forwarded to District Controller, Johannesburg.

JOHANNESBURG EASTERN DISTRICT.—RETURN OF INSPECTIONS AND CASES ADJUDICATED.

Period.		Name of Mine.	Number of Inspections.	Cases adjudicated.			Disputes Settled.	Number of Renewals of Contracts.
From.	To.			Contravening Pass Rgulations.	Other Offences.	Total.		
1902.	1904.							
March 3	Feb. 29	City and Suburban ...	107	35	5	40	2	504
March 3	Feb. 29	Meyer and Charlton ...	113	20	28	48	1	409
April 14	Feb. 29	Rand Central Ore ...	48	11	7	18	—	51
March 4	Feb. 23	Treasury	86	4	4	8	—	264
March 5	Feb. 23	Jumpers G.M.	85	11	12	23	1	183
March 6	Feb. 17	New Heriot	87	40	13	53	—	154
March 7	Feb. 24	Jumpers Deep... ...	92	14	1	15	—	343
March 7	Feb. 25	Wolhuter	96	28	11	39	10	173
March 6	Feb. 25	New Goch	19	24	3	27	—	600
March 5	Feb. 19	Henry Nourse... ...	91	7	2	9	—	214
March 5	Feb. 19	Nourse Deep	88	30	33	53	5	139
Nov. 14	Feb. 22	South Nourse	48	5	6	11	—	7

JOHANNESBURG CENTRAL DISTRICT.—COMPOUNDS.

Name of Mine.	Group.	No. of Natives Employed.			Remarks.
		First Date Recorded.	No.	No. on 29.2.04.	
Village Main Reef	Eckstein	7.5.02	724	850	The floors are at present being re-laid with burnt brick and cement. Moveable wooden bunks have been introduced. The rooms are heated with iron stoves with pipes. Ventilation has been improved and is now very good.
Jubilee	Independent	6.3.02	373	728	The native employees of these two mines are housed in a new Compound built of iron lined with brick, everything is new, having been in use only some three or four months. The floors are of stamped earth. The rooms are provided with wooden bunks and are heated with pipes. The ventilation is good.
Salisbury	Independent	6.3.02	461	617	
Ferreira Deep	Eckstein	5.3.02	213	814	The floors are being laid with brick and cement. Iron bunks with moveable wooden bottoms have been ordered and will be erected as soon as received. Ventilation has been very much improved, windows having been made in the outside walls of each room.
Wemmer	Independent	3.3.02	751	859	Asphalte floors.
Robinson Deep	Consolidated Goldfields ...	6.1.03	902	1,635	Six new burnt brick rooms have been built. Floors of ant-heap and ashes have been laid, and are good. Iron Stoves, with pipes are now being introduced.

JOHANNESBURG CENTRAL DISTRICT.—HEALTH AND DIET.

Name of Mine.	Name of Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leadings.	Cleansing.		Cooking arrangements.	Present Dietary.
Village Deep ...	Eckstein ...	New urinal and latrines inside Compound, for night use (bucket system).	—	—	Water laid on in pipes.	The Compound rooms are whitewashed and disinfectants are used.	The sick are well attended to. There is a Native Orderly in attendance. The Hospital is small, but the erection of a new Compound and Hospital is under consideration. Accommodation at present for twelve patients. Severe cases are sent to the Johnannesburg Hospital. Minor cases are treated in the Mine Hospital. Patients receive special diet when it is ordered by Medical Officer. The Medical Officer attends the Compound daily.	Steam Cooking Apparatus has been installed.	Mealie Meal Porridge ad lib. daily. Fresh Meat, 2lbs. per week per Native. Vegetables, 1lb. per week per Native. Salt when required.
Village Main Reef ...	Eckstein ...	New sawdust urinals in Compound for night use.	—	—	—	Disinfected and whitewashed constantly.	The sick are well looked after. There is a Native Hospital Orderly, who is under the supervision of the Compound Manager. Serious cases are sent to Johannesburg Hospital. There is accommodation for thirty patients. Patients receive Hospital diet when ordered by Medical Officer. A Medical Officer attends daily. The Hospital is well heated and ventilated.	Steam Cooking Apparatus has been installed.	Mealie Meal Porridge ad lib. daily. Stew of Meat and Vegetables alternate days. Kafir Beer is issued twice a week; 1 pint per Native per issue. Salt when required.
Jubilee	Independent	Joint Compound. Latrines and Urinals good (bucket system).	Very good ...	Two cement baths.	Water laid on in pipes.	Disinfected and whitewashed constantly.	The sick are well cared for. There is a Native Orderly under the supervision of the Compound Manager. There is accommodation for thirty-five patients. Serious cases are sent to Johannesburg Hospital. Hospital clothing is provided. Patients receive special Hospital diet when ordered by Medical Officer. A Medical Officer attends daily. The Hospital is well heated and ventilated.	Steam Cooking Apparatus has been installed.	Mealie Meal Porridge ad lib. daily. One pint of Soup per Native daily. Meat and Vegetables three times a week in a stew. Lime-juice twice a week. Salt when required.
Salisbury	Independent								

Name of Mine.	Name of Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leadings.	Cleansing.		Cooking arrangements.	Present Dietary.
Ferreira	Eckstein ...	New latrines emptied by suction pipe.	—	—	—	Disinfected and whitewashed constantly.	The sick are well attended to. A Native Orderly, under the supervision of the Compound Manager, is in charge of the patients. Serious cases are sent to Johannesburg Hospital. There is accommodation for twenty patients. Hospital diet, when ordered by Medical Officer, is given to patients. A Medical Officer attends daily. The Hospital is heated and ventilated.	—	Mealie Meal Porridge ad lib. daily. Meat and Vegetables twice weekly in a stew. Treacle once a week. Kafir Beer once a week. Salt when required.
Ferreira Deep ...	Eckstein ...	Sawdust urinals in Compound for night use.	Improved ...	Two cement baths.	—	Disinfected and whitewashed constantly.	A large new burnt brick Hospital has been lately erected, with all modern improvements. There is an European Hospital Attendant. Accommodation for one hundred patients is provided. Patients receive Hospital diet when ordered by Medical Officer. A Medical Officer attends daily. The Hospital is well heated and ventilated.	Steam Cooking Apparatus has been installed.	Mealie Meal Porridge ad lib. daily. Stew of Meat and Vegetables twice a week. Treacle twice a week. Kafir Beer twice a week; one pint per issue per Native. Rice is issued to the East Coast Natives twice weekly in lieu of Porridge if desired. There is a large vegetable garden.
Wemmer	Independent	—	Improved ...	Two new cement baths with showers.	—	Disinfected and whitewashed constantly.	The sick are well looked after. Serious cases are sent to Johannesburg Hospital. There is accommodation for twenty patients at present, and the erection of a new Hospital is contemplated. Special Hospital diet when ordered by the Medical Officer is given to patients. A Medical Officer attends daily. The Hospital is well heated and ventilated.	Steam Cooking Apparatus has been lately installed.	Mealie Meal Porridge ad lib. daily. Stew of Meat and Vegetables three times a week. Lime-juice three times a week.
Robinson Deep ...	Consolidated Goldfields.	—	—	New shower bath.	—	Disinfected and whitewashed constantly.	The sick are well looked after. Accommodation for eighty patients is provided. An European Hospital Attendant in charge. Patients receive Hospital diet, as ordered by Medical Officer. A Medical Officer attends daily. The Hospital is well heated and ventilated.	Steam Cooking Apparatus has been installed.	Mealie Meal Porridge or Rice daily. Stew of Meat and Vegetables twice a week. Kafir Beer once a week; 1½ pints per Native per issue.

JOHANNESBURG CENTRAL DISTRICT.—VIGILANCE.

CASES OF ILL-TREATMENT REPORTED BY NATIVES.

Village Deep Gold Mining Company (March, 1904).

Natives "Pony," "Jim," and "Polane," reported to the Inspector that they had been assaulted and forcibly detained by native overseers on the mine. Their statements were taken down and forwarded to the Police authorities, Booysen's Police Station, with a request that action should be taken at once. The case appeared before the Magistrate, "C" Court, Johannesburg. The native overseers, "Basket," "Manque," and "John Peters," in the employ of the Village Deep Gold Mining Company were found guilty, and sentenced to pay a fine of £5 each, or in default to serve imprisonment with hard labour for a period of one month.

WAGES AND COMPLAINTS.

Complaints of Natives *re* Wages; steps taken, etc., etc.	A Complaint was made by four Native labourers of the Village Deep Gold Mining Company, in September, 1903, that a portion of their wages had been withheld. The case was tried in the Native Court, Johannesburg. The Secretary of the Mine was found guilty, and was sentenced to pay a fine of £10, or in default to imprisonment with hard labour for one month.
Complaints as to Non-fulfilment of Promises made by Recruiters.	Numerous Complaints have been received from Cape Colony Natives, that a Native Recruiter, by name "Tsengiwe," who recruited labour in Xalanga District, Cape Colony, had engaged them on terms which were not fulfilled on arrival at the Mines in the Johannesburg area. In all cases the Natives subsequently accepted the ruling rate of wage rather than return home.

JOHANNESBURG CENTRAL DISTRICT.—RETURN OF INSPECTIONS AND CASES ADJUDICATED.

Period.		Name of Mine.	Number of Inspections.	Cases Adjudicated.			Disputes. Number Settled.	Number of Contracts Renewed.
From	To			Contravening Pass Regulations.	Other Offences.	Totals.		
March 7, 1902.	Feb. 29, 1904.	Village Deep G.M. Co.	90	16	2	18	—	40
March 7, 1902.	Feb. 29, 1904.	Village Main Reef, Ltd.	104	32	87	119	2	119
March 6, 1902.	Feb. 29, 1904.	Jubilee G.M. Co. ...	92	20	—	20	—	163
March 6, 1902.	Feb. 29, 1904.	Salisbury G.M. Co. ...	95	14	1	15	—	137
March 5, 1902.	Feb. 29, 1904.	Ferreira G.M. Co. ...	111	135	14	149	1	163
March 5, 1902.	Feb. 29, 1904.	Ferreira Deep	101	37	2	39	2	46
March 3, 1902.	Feb. 29, 1904.	Wemmer G.M. Co. ...	103	54	3	57	—	182
March 6, 1903.	Feb. 29, 1904.	Robinson Deep G.M. Co.	129	71	52	123	4	707
			825	379	161	540	9	1,557

JOHANNESBURG WESTERN DISTRICT.—COMPOUNDS.

Name of Mine.	Group.	No. of Natives Employed.			Remarks.—Improvements Effected.
		Date of First Inspection.	No.	No. on 29.2.04.	
Consolidated Langlaagte G.M. Co. ..	Barnato	1.4.02	25	246	Wooden Bunks are supplied. Natives are allowed Coal, which they burn in braziers, but are not allowed to have fires in the Compound Rooms. Ventilation along the eaves of roofs. The management contemplate building a new Compound.
Robinson G.M. Co.	Eckstein	1.4.02	794	1,120	Floors of Brick and Cement will shortly be laid down. Iron Bunks with Wooden Beds will be supplied. Roof Ventilators. A Shelter has been built at the Compound and Time Office. Brick and Cement Floors will be laid down, and Windows put in all the Rooms as soon as material arrives.
Robinson Chlorination Works ...	Eckstein	1.4.02	73	55	Same as above.
Bonanza G.M. Co.	Eckstein	1.4.02	703	407	Iron Bunks with Wooden Beds are supplied. Roof Ventilators. Shelters at Time Office. Electric Light has been installed in the Compound Rooms.
Langlaagte Estate	Robinson	1.4.02	210	1,803	Ventilators in the Walls and under Roof. Shelters at Time and Compound Offices.
Langlaagte Block B.	Robinson	9.6.03	849	122	Same as at Langlaate Estate.
Crown Deep, Ltd.	Rand Mines ...	1.4.02	740	1,222	Floors are being laid with Brick and Cement. Wooden Bunks are supplied. Roof Ventilators. A large Window, 6 ft. by 7 ft., is being put in every Room. Shelters at Time Office. Large Vegetable Garden.
Crown Reef G.M. Co.	Eckstein	1.4.02	744	1,087	Roof Ventilators. Shelter at Compound Office. The management are going to provide Brick and Cement Floors, Sleeping Bunks, and Windows.
Langlaagte Deep G.M. Co.	Rand Mines ...	1.4.02	737	778	At present Floors are of earth, but are shortly to be Bricked and Cemented. Wooden Bunks are supplied. Roof Ventilators. A large Window, 7 ft. by 6 ft. is being put in every Room. Shelters at Time Office. Large Vegetable Garden.
Robinson Central Deep, Ltd.	Eckstein	1.4.02	11	237	Wooden Bunks are supplied. Roof Ventilators. Shelter at Time Office.

Name of Mine.	Name of Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leadings.	Cleansing.		Cooking Arrangements.	Present Dietary.
Consolidated Langlaagte.	Barnato ...	—	—	—	Water is laid on to Compound from town main.	Rooms whitewashed and disinfected.	—	—	Mealie meal ad lib. 1lb. meat twice a week per boy. Beans twice a week. Kaffir beer, 1½ pints twice a week.
Robinson G. M. Co....	Eckstein ...	New Latrines; Sawdust Urinals and Urinal Tanks provided.	—	Two Cemented Baths; water constantly running.	Fresh water from town laid on in pipes for use of Natives for drinking and cooking purposes.	Rooms whitewashed and disinfected.	New Hospital, capable of accommodating sixty patients. Convalescent Wards, Kitchen, Dispensary and Attendant's Room. Medical Officer attends daily. White Hospital Attendant and Trained Nurse are in charge of the Hospital. Special diet allowed to invalids.	Steam cooking plant was installed beginning 1903.	Mealie meal ad lib. Fresh meat and vegetables every day, made into soup. East Coast natives get rice every day if they prefer it. Meals prepared 3 times a day. On Saturdays boys get 1lb. meat each.
Bonanza G. M. Co. ...	Eckstein ...	Cement Floors laid down in Latrines and Urinals.	—	Cement Bath in Compound.	Water laid on in pipes to Compound.	Rooms whitewashed and disinfected.	New Hospital built beginning of 1903. Clothing supplied to patients. Medical Officer attends daily. Educated Native is in charge. Special diet and stimulants when ordered.	—	Mealie meal ad lib. Meat 2½lbs. per week, issued Wednesdays and Saturdays. Vegetables 1½lbs. per week, issued Wednesdays and Saturdays. Beans once a week. Kaffir beer daily.
Langlaagte Estate ..	Robinson...	Latrines enlarged.	—	Large Cemented Bath.	Water laid on in pipes to Compound.	Rooms and buildings whitewashed and disinfected.	A new Ward was added to Hospital in January, 1903, doubling the accommodation. A new building, capable of accommodating another 100 patients, has been commenced. The Hospital latrines have been enlarged. Blankets are issued to the sick natives. Hospital grounds are enclosed by galvanised iron fence. A light spring wagon is kept for use as a hearse. Hospital floors are concrete. Medical Officer attends daily. Educated native in charge. Special diet. Stimulants allowed.	Steam cooking plant was installed April, 1903.	Mealie meal ad lib. Potatoes once a week. Beans twice a week. 1lb. meat per native twice a week. Salt issued when asked for. Kaffir beer once a week. 4 meals a day are served.

JOHANNESBURG WESTERN DISTRICT.—HEALTH AND DIET—*continued.*

Name of Mine.	Name of Group.	Sanitation.					Hospitals	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leadings.	Cleansing.		Cooking Arrangements.	Present Dietary.
Crown Deep, Ltd. ...	Rand Mines	—	—	Large Bath in Compound of Brick and Cement.	Water laid on in pipes.	Rooms and buildings whitewashed and disinfected.	Two outside rooms and kitchen have been added. Special diet for invalids. Plans are being prepared for a new Hospital. Daily attendance of a Medical Officer. An educated Native is in charge.	Steam cooking plant has been installed.	Mealie meal ad lib., and rice for East Coast natives. Meat, vegetables, and beans issued once a week. Fish for those who prefer it to meat. 1 pint coffee and Kaffir beer daily.
Crown Reef G. M. Co.	Eckstein ...	Urinals have been provided.	—	Two large Baths in Compound, brick and cement.	Water laid on in pipes from town main.	Rooms and buildings whitewashed and disinfected.	The ground round the Hospital has been laid with asphalte. New Convalescent Ward has been built. Clothing has been supplied to patients. New Kitchen and Attendant's Room have been built. Medical Officer attends daily. Special diet and stimulants to invalids.	—	Mealie meal ad lib. three times daily. 1lb. meat, and ½lb. vegetables twice a week to each native. Beans twice a week. 1 pint Kaffir beer to each boy twice a week.
Langlaagte Deep ...	Rand Mines	—	—	Shower Bath in Compound.	Water laid on in pipes.	Rooms whitewashed and disinfected.	New Hospital has just been built, capable of accommodating thirty patients. Trees planted in Hospital enclosure. Special diet and stimulants for invalids. Daily attendance of a Medical Officer. Intelligent native attendant.	—	Mealie meal ad lib. 1½lbs. meat per native per week. Potatoes, fresh vegetables or beans twice a week. Occasionally rice is issued. Vegetables always cooked for natives. Kaffir beer daily.
Robinson Central Deep.	Eckstein ...	New Urinals ...	—	Small bath in Compound, brick and cement.	Water laid on in pipes.	Rooms whitewashed and disinfected.	Compound has been enclosed and beds supplied. All serious cases are treated at Bonanza Hospital.	—	Mealie meal ad lib. 1½lbs. meat and 1lb. of vegetables per boy per week.

JOHANNESBURG WESTERN DISTRICT.—VIGILANCE.

CASES OF ILL-TREATMENT OF NATIVES—1903.—A Native on the Langlaate Estate complained that a Miner under whom he worked had struck him on the mouth with a spanner. The case was referred to the Police, and the accused was prosecuted and fined £1.

WAGES AND COMPLAINTS.

Complaints of Natives *re* Wages	*Nil.*
Complaints as to Non-fulfilment of Promises by Recruiters.	A gang of Basutos on the Crown Reef complained that they had been promised £3 10*s.* per month by the Recruiter in Basutoland, and that they were only receiving £3 per month. As they were unwilling to work for £3 per month their Contract was terminated. They were offered railway tickets to their homes, but preferred to remain and look for work.

JOHANNESBURG WESTERN DISTRICT.—RETURN OF INSPECTIONS AND CASES ADJUDICATED.

PERIOD.		Name of Mine.	Number of Inspections.	Cases Adjudicated.			Disputes, Number Settled.	Number of Contracts Renewed.
From	To			Contravening Pass Regulations.	Other Offences.	Totals.		
March /'02	Feb. 29/'04	Consol. Langlaagte Mines.	34	1	9	10	—	14
March /'02	do.	Robinson G.M. Co. ...	121	287	274	561	3	305
March /'02	do.	Do. Chlorination Works.	70	—	13	13	—	2
March /'02	do.	Bonanza G.M. Co. ...	95	47	44	91	—	569
March /'02	do.	Langlaagte Estate ...	100	101	33	134	—	356
March /'02	do.	Do. Block B. ..	50	—	—	—	—	71
March /'02	do.	Crown Deep, Ltd. ...	110	50	16	66	—	115
March /'02	do.	Crown Reef G.M. Co....	113	55	168	223	—	321
March /'02	do.	Langlaagte Deep, Ltd.	100	46	42	88	1	113
March /'02	do.	Robinson Central Deep	94	5	11	16	—	18
March /'02	do.	Langlaagte Block B.[2] ...	23	—	1	1	—	—
			910	592	611	1,203	4	1,884

KRUGERSDORP EASTERN DISTRICT.—COMPOUNDS.

Name of Mine.	Group.	Number Natives Employed.			Improvements Effected.
		Date of First Inspection.	No.	No. on 29.2.04.	
Durban Roodepoort Deep, Ltd. ...	Rand Mines	4.3.02	186	865	Brick Floors. Iron Bunks and Stoves are now being put in each room. No other improvements are required.
Durban Roodepoort G.M. Co.	Sir Donald Currie ...	4.3.02	746	730	This Compound is practically being re-built. The Roof is being pitched. Cement Floors, Iron Bunks and Stoves are being put in each Room. Plans are being prepared for a Change House.
Vogelstruis Estates and Gold Mines, Ltd.	Do.	4.3.02	36	762	A New Compound is now in course of erection, which will be finished next month. Cement Floors. Stoves and Iron Bunks will be put in each Room. Plans are being prepared for a Change House.
New Unified Main Reef G.M. Co., Ltd.	Barnato Bros. ...	4.3.02	91	1,372	An additional Compound is being erected. Cement Floors and Stoves are being put in each Room.
Roodepoort G. M. Co.	Do.	4.3.02	6	246	Plans are now being prepared for a New Compound
Aurora West United G.M. Co., Ltd. ...	Albu Bros.	4.3.02	12	66	The sum of £3,000 is being spent on renovating this Compound. Operations have been started. The Rooms are being Brick-lined. Cement Floors and new Bunks are being put in each Room.
Roodepoort United Main Reef G.M. Co., Ltd.	Do.	4.3.02	98	1,211	Asphalte Floors have been put down.
Roodeport Central Deep, Ltd. ...	Goerz & Co.	4.3.02	61	777	It is the intention of the Managament to put in Stoves in every Room before the Winter sets in.
Consolidated Main Reef Mines and Estate Co., Ltd.	S. Neumann & Co. ...	4.3.02	189	577	Brick Floors are now being laid in each Room. The Manager has also suggested to his Directors that stoves be put in before the winter. This would make this Compound quite up to date.
Saxon Gold Mines, Ltd.	D. J. Pullinger ...	11.6.02	11	98	This Compound is only a temporary construction. As soon as conditions admit a new Compound will be built.
West Roodepoort Deep, Ltd.	S. Neumann & Co. ...	13.2.02	40	120	This Compound is incomplete. As soon as conditions admit it will be completed. It is quite adequate for present requirements.

KRUGERSDORP, EASTERN DISTRICT.—HEALTH AND DIET.

Name of Mine.	Group.	Sanitation.				Hospitals.	Dietary.	
		Latrines.	Baths.	Water Leading.	Cleansing and Disinfection.		Cooking Arrangements.	Present Dietary.
Durban Roodepoort Deep, Ltd.	Rand Mines	Covered Latrines with Cement Floors and Buckets.	Constant flow of water in a furrow in front of Compound.	Same water as used by white employees is led into the Compound.	The whole of the Compound is sprayed with disinfectant at least once a week, and whitewashed at intervals.	A New Hospital has lately been erected, and is under the supervision of an ex R.A.M.C. orderly. The Hospital is visited daily by the Medical Officer of the mine. The patients have special diet when ordered by the Medical Officer.	Steam Kitchen ...	Diet on the scale recommended by the Chamber of Mines or equally as good is adopted by this Company. A large vegetable garden is run in conjunction with the Compound. Kaffir Beer is supplied once a week.
Durban Roodepoort G.M. Co., Ltd.	Sir Donald Currie.	Do.	A tap at the shaft head. Arrangements are being made for a bath in the change house to be erected shortly.	Same water as used by white employees is used by natives in the Compound.	The whole of the Compound is sprayed weekly with disinfectant, and whitewashed at intervals.	A New Hospital is in course of erection, and will be under the supervision of a white orderly. The Medical Officer visits the Hospital daily, and the patients have whatever diet is ordered by him.	Steam Kitchen to be erected at an early date.	Do. do.
Vogelstruis Estate G.M. Co., Ltd.	Sir Donald Currie.	Do.	Constant flow of water in a furrow in front of Compound.	Do.	Do.	Do. do.	Do.	Diet on the scale recommended by the Chamber of Mines or equally as good is adopted by this Company. The supply of vegetables is unlimited. Kaffir Beer is supplied once a week.
New Unified Main Reef G.M. Co., Ltd.	Barnato Bros.	Do.	Shower Baths and large Cement Plunge Bath in Compound.	Do.	Do.	A New Hospital has lately been erected, and is under the supervision of an ex R.A.M.C. orderly. The Hospital is visited daily by the Medical Officer, and the patients have whatever diet is ordered by him.	Steam Kitchen ...	Do. do.
Roodepoort G.M. Co., Ltd.	Barnato Bros.	Covered Latrines with Ash Floors and Buckets.	Constant flow of water in furrow at shaft head. Arrangements being made for proper bath in New Compound.	Do.	Do.	Plans for a New Hospital are being prepared. The Medical Officer of the Mine considers the Hospital accommodation quite adequate for present requirements. He visits the Hospital daily, and the natives have whatever diet is recommended.	A Steam Kitchen is to be erected when the new Compound is built. The present Kitchen is quite adequate for present requirements.	Do. do.
Aurora West United G.M. Co., Ltd.	Albu Bros.	Improved Latrines will be provided when the Compound is repaired.	Baths will be provided when the Compound is repaired.	Do.	Compound is now being repaired.	A Hospital is now in course of erection.	A Steam Kitchen is now being erected.	No scale of diet. There are only about 20 natives on the property.

Name of Mine.	Group.	Sanitation.				Hospitals.	Dietary.	
		Latrines.	Baths.	Water Leading.	Cleansing and Disinfection.		Cooking Arrangements.	Present Dietary.
Roodepoort United Main Reef G.M. Co., Ltd.	Albu Bros.	Covered Latrines with Cement Floors and Buckets.	Large Cement Plunge Bath in Compound.	Same water as used by white employees is led into the Compound.	The whole of the Compound is sprayed with disinfectant weekly, and whitewashed at intervals.	The Hospital accommodation is quite adequate for present requirements. The Medical Officer of the Mine visits the Hospital daily, and the patients have whatever diet is recommended by him.	The Plant for a Steam Kitchen is in the Compound and will be erected shortly.	Diet on the scale recommended by the Chamber of Mines or equally as good is adopted by this Company. The supply of vegetables is unlimited. Kaffir Beer is supplied once a week.
Roodepoort Central Deep G.M. Co.	Goerz & Co.	Do.	Shower Baths in Compound.	Do.	Do.	A New Hospital has lately been erected, and is under the supervision of a white orderly. The Medical Officer of the mine visits the Hospital daily, and the patients have whatever diet is recommended by him.	Steam Kitchen ...	There is a garden for the supply of vegetables.
Consolidated Main Reef Mines and Estates G.M. Co., Ltd.	Neumann & Co.	Do.	Constant flow of water in furrow close to Compound, and natives are permitted to use Dam.	Do.	Do.	The Medical Officer of the mine visits the Hospital daily, and the natives have whatever diet is recommended by him.	—	Diet on the scale recommended by the Chamber of Mines or equally as good is adopted by this Company. Vegetables are obtained from the Company's farm in unlimited quantities. Kaffir Beer is supplied once a week.
Princess Estate and G.M. Co., Ltd.	Goerz & Co.	Covered Latrines with Ash Floors and Buckets.	Use of Dam permitted.	Do.	Do.	Uses Roodepoort Central Deep Hospital.	A Steam Cooking Apparatus has been erected.	There is a garden for the supply of Vegetables.
Saxon Gold Mines, Ltd.	D. J. Pullinger.	Do.	Use of Dam in front of Compound permitted.	Do.	Do.	The Hospital accommodation is considered, by the mine Medical Officer, quite adequate for present requirements, and the patients have whatever diet is recommended by him.	—	Diet on the scale recommended by the Chamber of Mines or equally as good is adopted by this Company. A vegetable garden is run in conjunction with the Compound.
West Roodepoort Deep, Ltd.	Neumann & Co.	Do.	Use of Dam at back of Compound permitted.	Do.	Do.	Do. do.	—	Do do.

Krugersdorp Eastern District.—Vigilance.

Cases of ill-treatment to Natives—Nil.

Wages and Complaints.

Complaints of Natives *re* Wages—Nil.

Complaints as to unfulfilment of promises made—Nil.

Krugersdorp Eastern District.--Return of Inspections and Cases Adjudicated.

Period.		Name of Mine.	No. of Inspections.	Cases Adjudicated.				
From	To			Contravening Pass Regulations.	Other Offences.	Total Cases.	Disputes.	Total.
1902.	1904.							
March ...	February	Aurora West United G.M. Co., Ltd.	137	—	—	—	—	—
March ...	February	Consolidated Main Reef Mines and Estate Co., Ltd.	167	121	10	131	—	131
March ...	February	Durban-Roodepoort Deep, Ltd.	199	4	14	18	1	19
March ...	February	Durban-Roodepoort G.M. Co., Ltd.	229	—	1	1	—	1
March ...	February	New Unified Main Reef G.M. Co., Ltd.	160	2	—	2	—	2
March ...	February	Princess Estate and G.M. Co., Ltd.	173	1	11	12	—	12
March ...	February	Roodepoort G.M. Co., Ltd.	130	—	—	—	—	—
March ...	February	Roodepoort Central Deep, Ltd.	176	4	1	5	—	5
March ...	February	Roodepoort United Main Reef G.M. Co., Ltd.	238	444	1	445	11	456
June ...	February	Saxon Gold Mines, Ltd.	127	19	—	19	8	27
March ...	February	Vogelstruis Estates and Gold Mines, Ltd.	162	—	—	—	1	1
1903.								
February	February	West Roodepoort Deep, Ltd.	55	4	1	5	—	5
			1,953	599	39	638	21	659

Name of Mine.	Group.	No. of Natives Employed.			Improvements Effected.				
		Date of First Inspection.	No.	No. on 29.2.04.	Floors.	Bunks.	Heating Appliances.	Ventilation.	Shelters.
Robinson Randfontein G.M. Co.	Robinson ...	12.3.02	67	1,142	Asphalte and Cement.	Wooden, two tiers.	Coal Stoves ...	In roof and above all doors.	—
North Randfontein	do. ...	12.3.02	24	1,145	—	—	Braziers ...	—	—
South Randfontein	do. ...	18.6.02	118	1,883	Asphalte and Cement.	Wooden, two tiers.	Coal Stoves ...	In roof and above all doors.	—
Block "A" Randfontein ...	do. ...	–.6.02	6	5	Cement ...	Wooden, one tier.	—	In roof and above doors.	—
Lancaster West G.M. Co. ...	Goerz & Co. ...	10.3.02	742	772	Stone	Wooden, one and two tiers.	—	In roof and above doors.	—
Lancaster G.M. Co.	do. ...	10.3.02	99	875	—	Wooden, two tiers.	—	—	Iron Sheds.
Luipaards Vlei Estate and G.M. Co.	Consolidated Goldfields.	–.4.02	15	266	—	Wooden ...	—	—	—
Windsor G.M. Co.	Transvaal Goldfields.	11.3.02	58	488	—	do.	Fire places in two rooms.	Above doors and windows.	—
Champ D'or G.M. Co. ...	French Co. ...	11.3.02	38	786	—	do.	—	—	—
French Rand G.M. Co. ...	do. ...	11.3.02	69	880	Cement floors being laid.	do.	Two Stoves per room.	In roof and above doors.	Changing house.

NAME OF MINE.	NAME OF GROUP.	SANITATION.				HOSPITAL.			DIETARY.									
											PRESENT DIETARY.							
		Latrines.	Baths.	Water Leading.	Cleansing and Disinfecting.	Arrangements for Sick.	Special Diet.	Medical Attendance.	Cooking Arrangements.	Vegetable Gardens.	Mealie Meal, Rice, and Biscuit.	Meat.	Vegetables.	Limejuice.	Coffee or Soup.	Kaffir Beer.	Other Rations.
Robinson Randfontein G.M. Co., Ltd.	Robinson ...	Bucket System, Cement Floor.	Shower	Same as European Supply.	Two Natives are constantly employed Whitewashing.	Stretchers, Spittoons, Closets attached.	Soup, Meat, and Vegetables.	Daily	Steam.	—	1½ lbs. daily.	3 lbs. per week.	2 lbs. per week.	As required.	—	2 qts. week.	
North Randfontein G.M. Co., Ltd.	Do. ...	Do.	Do.	Do.	Whitewashed Monthly.	Do.		Do.		—	2½ lbs. daily.	2 lbs. per week.	3 lbs. per week.		—	1 qt. week.	
South Randfontein G.M. Co., Ltd.	Do. ...	Bucket System	Do.	Do.	Three Natives are constantly employed Whitewashing.	Do.		Do.		—	1½ lbs. daily.	2 lbs. per week.	3 lbs. per week.		—	2 qts. week.	Army Biscuits whenever required.
Porges Randfontein G.M. Co., Ltd.	Do. ...	Do.	Dam	Do.	Whitewashed every Month.	Do.		Do.		—	1¾ lbs. daily.	2 lbs. per week.	2 lbs. per week.		—	4 qts. week.	
Lancaster West G.M. Co., Ltd.	Goerz & Co.	Bucket System, Cement Floor.	Do.	Well in Compound.	Two Natives are constantly employed Whitewashing.	Bed, Bedpans, and Spittoons.		Do.		—	1¾ lbs. daily.	3 lbs. per week.	2 lbs. per week.		Daily.		
Lancaster G.M. Co., Ltd.	Do. ...	Do.	Do.	Same as European Supply.	Do.	Bucket in Hospital, Stretchers.		Do.		Yes	1¾ lbs. daily.	2½ lbs. per week.	1½ lbs. per week.		Do.	1 qt. week.	2 Green Mealies per Boy per Week.
Luipaards Vlei Estate & G.M. Co., Ltd.	Consolidated Goldfields.	Do.	Washhouse is used.	Do.	One Native is constantly employed Whitewashing.	Commode, Stretchers, and Spittoons.		Tri-weekly, and when required.	—	—	2 lbs. daily.	2 lbs. per week.	2 lbs. per week.		—	3 qts. week.	½ lb. Treacle weekly.
Windsor G.M. Co., Ltd.	Transvaal Goldfields.	Do.	Plunge-bath.	Do.	Whitewashed every Month.	Bucket Spittoons and Stretchers.		Do.	—	Yes	2 lbs. daily.	2 lbs. per week.	2 lbs. per week.		—	1 qt. week.	Treacle when required.
Champ D'or G.M. Co., Ltd.	French Company.	Do.	—	Do.	Do.	Closets Attached, Bunks, Spittoons.		Do.	—	—	1¾ lbs. daily.	1½ lbs. per week.	1 lb. per week.		—	1 qt. week.	1 lb. Rice weekly.
French Rand G.M. Co., Ltd.	Do. ...	Do.	Do.	Do.	Do.	Hospital being erected.		Do.	Do.	—	1¾ lbs. daily.	2 lbs. per week.	1½ lbs. per week.		—	1 qt. week.	
West Rand Central G.M. Co., Ltd.	London Syndicate.	Do.	Dam is used.	Do.	Do.	Stretchers, Spittoons.		Do.	—	Yes	2½ lbs. daily.	1¾ lbs. per week.	1 lb. per week.		—	1 qt. week.	

N.B.—All Mines with Hospitals have Native Attendants.

KRUGERSDORP WESTERN DISTRICT.—VIGILANCE.

Cases of Ill-treatment of Natives.		
Name of Mine.	Date.	Details.
Champ D'Or G.M. Co., Ltd. ...	Sept. 7, 1903 ...	Native "No. 8" complained of being assaulted by two Native Overseers at the Champ D'Or. The case was reported to the Public Prosecutor, and the Natives were sentenced, the one to three months' and the other to two months' hard labour.
Lancaster G.M. Co., Ltd. ...	Nov. 26, 1903 ...	A Damaraland Native complained of having been struck by the Compound Manager. The case was dismissed.

WAGES AND COMPLAINTS.

No complaints have been received as to non-payment of wages.

Two complaints as to non-fulment of promises made on engagement were brought to notice and dealt with.

KRUGERSDORP WESTERN DISTRICT.—RETURN OF INSPECTIONS AND CASES ADJUDICATED.

Period.		Name of Mine.	No. of Inspections.	Cases Adjudicated.					Remarks.
From	To			Contravening Pass Regulations.	Other Offences	Total Cases.	Disputes.	Total.	
Mar. 12/02	Feb. 29/04	North Randfontein G.M. Co., Ltd.	108	23	—	23	—	23	
June 18 „	„ 29 „	South Randfontein G.M. Co., Ltd.	107	4	65	69	—	69	
Mar. 12 „	„ 29 „	Robinson Randfontein G.M. Co., Ltd.	114	1	7	8	—	8	
„ 12 „	„ 29 „	Porges Randfontein G.M. Co., Ltd.	119	—	15	15	1	16	
May 16 „	June 30/03	Violet G.M. Co., Ltd. ...	20	—	—	—	—	—	
Mar. 10 „	Feb. 29/04	Lancaster West G.M. Co., Ltd.	150	12	27	39	—	39	
„ 10 „	„ 29 „	Lancaster G.M. Co., Ltd.	154	1	18	19	—	19	
„ 14 „	„ 29 „	West Rand Mines G.M. Co., Ltd.	93	1	2	3	1	4	
„ 14 „	„ 29 „	West Rand Central G.M. Co., Ltd.	95	4	4	8	—	8	
May 23 „	„ 29 „	Luipaard's Vlei Estate and G.M. Co., Ltd.	67	12	2	14	—	14	
July 25/03	„ 29 „	Grey's Mynpacht G.M. Co., Ltd.	12	3	—	3	—	3	This mine was only sampled. Since shut down.
Mar. 11/02	„ 29 „	Windsor G.M. Co., Ltd. .	107	2	4	6	—	6	
„ 11 „	„ 29 „	Champ d'Or (French) G.M. Co., Ltd.	106	8	3	11	—	11	
„ 11 „	„ 29 „	French Rand G.M. Co., Ltd.	108	—	—	—	—	—	
„ 11 „	„ 29 „	Tudor G.M. Co., Ltd. ...	62	—	—	—	—	—	
May 1 „	Nov. 5/02	Syferfontein C. and G.M. Co., Ltd.	7	—	—	—	—	—	Mine closed down in Dec., 1902.
Feb. 29/04	Feb. 29/04	Randfontein Deep G.M. Co., Ltd.	1	—	—	—	—	—	
„ 18 „	„ 29 „	North Rand Mines G.M. Co., Ltd.	1	—	—	—	—	—	
Mar. 11/02	„ 29 „	New Midas G.M. Co., Ltd.	3	—	—	—	—	—	
			1,434	71	147	218	2	220	

BOKSBURG DISTRICT.—COMPOUNDS.

Name of Mine.	Group.	Number of Natives Employed.			Improvements effected.
		Date of First Inspection.	No.	No. on 29.2.04.	
Apex Mines	Anglo-French ...	15.7.02	760	493	New Wooden Detachable Bunks have been supplied.
New Kleinfontein	do.	21.4.02	109	138	An entirely New Brick Compound of latest pattern, and containing all the latest improvements, is in course of erection.
Brakpan Collieries	Transvaal Coal Trust	15.7.02	735	699	The majority of the Floors have been asphalted. The Ventilation has been improved. Box Ventilators have been constructed to Hip of Roof.
Driefontein Deep	S. Neumann & Co. ...	2.7.02	23	337	Concrete Floors have been laid down, and New Iron Bunks with Movable Boards have been constructed. Boyle's Ventilators have been constructed throughout the Compound. A new first-class Brick Compound is now in course of erection.
Wit Deep	do.	9.4.02	110	635	An entirely new Brick Compound is in course of erection, and will be completed within two months from date. When finished it will be a first-class up-to-date Compound capable of housing about 3,000 Natives. Special attention has been given in the construction of this new Compound to all the various improvements suggested by the Department.
East Rand Proprietary...	Farrar	14.4.02	1,821	4,588	All the Floors have been Asphalted. Stoves with Chimneys through Roof have been introduced for heating purposes. Windows have been glazed, and Box Ventilators have been placed in Roof. Shelters and Change Houses have been erected at each Shaft. The six Compounds on this Property are built of Iron and are lined with Bricks.
East Rand Extension	Braithwaite	1.10.02	10	187	An entirely new Brick Compound with all the latest improvements is in course of erection, and, when completed, will accommodate about 1,500 Natives.
Ginsberg	Barnato Bros. ...	11.4.02	740	976	A new Wing, built of Iron, and Brick-lined, with Concrete Floors, movable Wooden Bunks, and movable Windows has been added to the Old Compound.
New Modderfontein	Eckstein	23.4.02	54	620	The Floors have been Asphalted. Ventilation. Glazed Sash Windows. Hip Roof Ventilators.
Van Ryn G. M. Estate...	Albu	21.4.02	147	862	Shelters and Change Houses have been erected. Drainage from the Kitchen has been laid down.

Boksburg District.—Health and Diet.

Name of Mine.	Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leadings.	Cleansing and Disinfection.		Cooking Arrangements.	Present Dietary.
Apex Mines	Unspecified	—	This has been improved by the introduction of Cinders, thus increasing the fall from the compound.	Cold Shower Baths and a Washing Trough have been erected.	Drinking Water laid on by pipes to Kitchen and Bath-rooms.	All rooms are thoroughly cleansed and disinfected; bunks washed with caustic soda at least once a month; Compound is swept clean every day.	Bedsteads with coir mattresses, two blankets, chambers and proper heating stove provided. Entirely new Hospital, airy and well ventilated, also good Latrines, have been erected. Special Diet is supplied when ordered by the Medical Officer, who attends constantly.	—	Mealie Meal—unlimited; Meat 2½ lbs. per week; Kaffir Beer twice weekly; Vegetables three times per week. Mine has it own vegetable gardens.
Angelo Deep ...	Anglo French.	—	—	—	Drinking Water has been laid on by means of a pipe.	Compound is swept clean every day; bunks are washed once a month and rooms disinfecced.	A Medical Officer attends daily ...	—	Mealie Meal—unlimited; Soup, Meat daily; other Meat 1½ lbs. per week per native; Vegetables unlimited. Mine has its own vegetable gardens.
New Kleinfontein ...	Anglo French.	—	—	—	—	—	An entirely new Brick Hospital is being erected in conjunction with the new Compound.	Steam Cooking Apparatus provided for in the New Compound under erection.	Mealie Meal—unlimited; Vegetables twice a week. Meat 3 lbs. per week. Vegetable gardens are attached to mine.
Brakpan Colliery ...	Transvaal Coal Trust.	Entirely New Latrines of latest pattern have been erected.	All Drains are being cemented at date of Report.	Two very fine Baths having 24 showers on the latest style have been erected.	Water has been laid on by pipes.	Rooms are cleaned daily, periodical disinfection takes place when needed.	An Iron Brick-lined Hospital capable of holding 20 beds has been erected. It has stoves, kitchen, operating room, store, is lit by electric light, boarded floors and ceilings. Sick lie on canvas stretchers. Medical comforts issued on Doctor's orders. No expense spared. Doctor visits daily. Compound Overseer attends to Sick.	New Steam Cooking Apparatus on Chamber of Mines plan has been installed.	Mealie Meal—unlimited; Vegetable Soup daily; Meat three times per week; Beans four times per week; Kaffir Beer once a week; Lime Juice twice a week.
Van Ryn G.M. Estate	Albu ...	—	All Drains have been renovated and cemented.	—	Water has been laid on.	Rooms are swept daily, and disinfected at least once a month. Cleaners constantly at work.	——	Good New Steam Cooking Apparatus of best type has been installed.	Mealie Meal—unlimited; 4 lbs. Meat weekly; Beans and other Vegetables twice a week; Lime Juice and Sugar water daily; Kaffir Beer weekly. Company has own vegetable gardens.
Driefontein Deep ...	Neumann...	New good Brick Latrines with asphalt floor have been erected.	Being attended to with completion of Compound.	—	Drinking Water laid on from the Main.	Rooms swept daily.	A large central Hospital is in course of erection on the Wit Deep, where all Sick from this Mine will be sent.	—	Mealie Meal—unlimited; Meat 1 lb. per week; Vegetable practically unlimited. Mine has its own vegetable gardens.

Name of Mine.	Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leadings.	Cleansing and Disinfection.		Cooking Arrangements.	Present Dietary.
Wit Deep	Neumann...	—	—	—	—	—	A Brick Hospital, with stone floors and boarded ceilings, has been erected, capable of holding 100 beds. Wooden beds and blankets are supplied. Proper Heating Stoves, Latrine and Urinal are attached. White man in constant attendance. Doctor resident on property. Temperature card of each native kept. Special diet supplied under the Doctor's directions. Well-arranged Kitchen attached to Hospital.	Kitchen not yet built. Steam cooking plant to be erected.	Mealie Meal—unlimited; Rice, Beans and other Vegetables practically unlimited; Meat 1 lb. per week; Biscuits and Treacle daily. Vegetable Gardens attached to Mine.
East Rand Proprietary.	Farrar ...	These have been overhauled, and are now in a first-class condition.	This has been thoroughly overhauled and all Compounds are now properly drained.	The old Plunge Baths have been superseded by good Shower Baths.	Water has been laid on from the Johannesburg Waterworks Main to all Compounds.	All Compounds are swept daily, once each week very room is thoroughly disinfected.	The "Comet" Compound has been converted into a temporary Hospital, capacity 500 beds. Rooms are asphalted, heated and ventilated on best principles, and wooden beds, mattresses, spittoons and chambers are supplied. Two Doctors visit daily, competent White Attendant and six Coloured Assistants in constant attendance. Diet is similar to the Johannesburg Hospital. Unstinted attention devoted to sick.	Steam Cooking Plant of Chamber of Mines pattern has been installed in all Compounds.	Mealie Meal—unlimited, Biscuits and Treacle, do.; Stew (Meat, Beans, and Vegetables) every day; 1½ lbs. Meat weekly; Tea, Sugar, Salt, Pepper, Vinegar daily; Kaffir Beer 1 pint per day. Company has extensive vegetable garden.
East Rand Extension	Braithwaite	Under construction.	Under construction.	Under construction.	Under construction.	All rooms are cleaned every day, and disinfected once a week.	A new Hospital is under construction.	New Cooking Plant of old pattern.	Mealie Meal 2 lbs. per day; Rice, Beans 3 lbs. per week; Meat 2 lbs. per week; Kaffir Beer 1 pint per day. Company has vegetable garden.
Ginsberg	Barnato ...	These have been entirely renovated and are of best class.	—	Very good Shower Baths have been erected, also a Washhouse.	Water has been laid on into the Compound.	Compound cleaned every day, and disinfected once a week.	New Brick Hospital, with stone floors and steel ceilings, just completed; divided into three wards, kitchen, latrines, surgery and store. Fire-places and sash windows in all rooms; very well ventilated. Wooden bedsteads; blankets and spittoons supplied. The Hospital has electric light. Doctor visits daily, and Native Assistant is constantly present. Sick are well cared for.	Fine Steam Cooking Plant of best class has been erected.	Mealie Meal—unlimited; 3 Biscuits per day; Meat 1 lb. per week; Potatoes, Onions, Pumpkins, etc., unstinted; Treacle when asked for; Kaffir Beer alternate days.
New Modderfontein	Eckstein ...	Entirely New Latrines have been erected, these are very good.	—	Shower has been attached to the Plunge Bath.	Water is filtered at this Mine, Artesian Well being constructed.	Compound cleaned daily, and disinfected by means of whitewashing whenever occasion requires.	A Stone Structure with boarded floors and ceilings, capable of holding 30 beds has been erected. Sash-glazed windows, roof ventilators; heating stoves provided. Sick sleep on proper beds. White Chemist in charge. Doctor attends daily. Sick could not be better cared for. Temperature charts kept.	An entirely new steam cooking apparatus of latest type has been erected.	Mealie Meal—unlimited; Meat three times a week; Kaffir Beer daily; Biscuits and Treacle daily; Lime Juice occasionally; Vegetable twice a week. Company has own vegetable gardens.

Boksburg District.—Vigilance.

Cases of Ill-treatment of Natives.	Remarks.
(*a*) Ill-treatment by Mine Employees—	
1. At Wit Deep, Native Assaulted by a Miner.	Upon representation to the Mine Management, Employee was summarily discharged, and turned off the property.
2. At East Rand Proprietary, Native Assaulted by Miner.	Miner brought before Magistrate and fined £5.
3. At Van Ryn G. M. Est., Assault by Miner on Native.	Miner summoned, and fined £6 by the Magistrate.
(*b*) Ill-treatment by Compound Officials—	
1. At East Rand Proprietary, Native assaulted by Native Over-seer.	Native Over-seer discharged from Company's service, Native paid £2 as compensation.

Wages and Complaints.

Complaints from Natives—

Seventeen complaints have been made, and attended to. In every case the Native had miscalculated his pay, and a satisfactory settlement for all parties concerned was arrived at.

Boksburg District.—Return of Inspections and Cases Adjudicated.

Period. From	Period. To	Name of Mine.	No. of Inspections.	Cases Adjudicated. Contravening Pass Regulations.	Other Offences.	Total.	Disputes.	Remarks.
April 19, 1902	Feb. 29, 1904	Angelo Deep Gold Mining Company.	82	1	11	12	3	
July 15, 1902	do.	Apex Mines, Limited ...	92	1	3	4	—	
July 15, 1902	do.	Brakpan Colliery	95	2	1	3	—	
July 2, 1902	do.	Driefontein Deep	48	—	1	1	—	
Oct. 1, 1902	do.	East Rand Extension ...	31	—	—	—	—	Besides these inspections numerous others were made to places away from the mines quoted, yet still contiguous, to them, such as contractors, locations, school plaatsen, prospecting works, quarries and brickfields.
April 14, 1902	do.	East Rand Proprietary Mines	565	1	39	40	2	
April 11, 1902	do.	Ginsberg Gold Mining Company.	109	1	9	10	2	
April 21, 1902	do.	New Kleinfontein Gold Mining Company.	91	11	5	16	—	
April 23, 1902	do.	New Modderfontein Gold Mining Company.	80	1	2	3	—	
April 9, 1902	do.	Witwatersrand Deep Gold Mining Company.	115	9	6	15	2	
April 21, 1902	do.	Van Ryn Estate and Gold Mining Co.	85	3	3	6	2	
June 9, 1902	do.	Cinderella Deep Gold Mining Company.	61	—	1	1	—	
			1,454	30	81	111	11	

GERMISTON DISTRICT.—COMPOUNDS.

Name of Mine.	Group.	No. Natives Employed.			Improvements Effected.
		Date of First Inspection.	No.	No. on 29.2.04.	
Barham G.M. Co.	Private Syn. ...	18.11.03	30	275	Compound renovated.
Geldenhuis Estate	Goerz	14.4.02	768	772	New Kitchen with Steam Cooking Apparatus.
Geldenhuis Deep	Eckstein	14.4.02	1,473	1,316	Impervious Floors; Improved Ventilation; Fire Places, with Chimneys; Removable Bunks; Steam Cooking Apparatus; Change Houses at Shafts.
Glencairn M.R. Co.	Barnato	11.4.02	115	1,128	Change Houses at Shafts, at which Blankets are supplied; Shower Baths (8) in course of construction.
Glen Deep, Ltd.	Eckstein	11.4.02	108	778	Ventilators, Windows, Fire Places and Impervious Floors under construction.
Knights Deep, Ltd.	Goldfields	18.4.02	101	1,075	Change Houses at Shafts, with Soup Kitchen. Cylindrical Stoves with Flues.
May Consolidated, Ltd.	Goerz	9.4.02	743	795	New Compound with Impervious Floors. Electric Light and Fire Places have been added.
New Primrose G.M. Co.	Barnato	2.4.02	737	1,368	Entirely new Compound (Brick), Steam Cooking, Baths.
Rose Deep, Ltd.	Eckstein	12.4.02	738	1,171	Impervious Floors; Windows; Fire Places; Moveable Bunks; Steam Cooking; Change Houses at Shafts.
Simmer & Jack Proprietary	Goldfields	15.4.02	753	1,726	Impervious Floors; Cylindrical Stoves. Moveable Bunks; Covered Way; Shaft to Compound.
Simmer & Jack East, Ltd.	Goldfields	10.4.02	91	472	Change House, with Hot Water Pipes at Shafts.
South Rose Deep	Goldfields	15.3.02	41	277	Change Houses at Shafts.

Name of Mine.	Group.	Sanitation.					Hospitals.	Dietary.		Remarks.
		Latrines.	Drainage.	Baths.	Water Leadings.	Cleansing and Disinfectants.		Cooking Arrangements.	Present Dietary.	
Burnham G.M. Co....	Private Syndicate.	Bucket System.	—	—	From Spring	Daily ...	—	—	Porridge daily; 1¼ lb. Meat, 1 pint Kaffir Beer, weekly; Lime Juice.	
Geldenhuis Main Reef.	F. Cohn ...	Do.	Open Gutters.	—	Do	Do. ...	Temporary Wood and Iron Building. Native Attendant. M.O. visits daily. Diet as ordered by him.	—	Porridge, ¾ lb. Meat, ½ lb Vegetables, 1 pint Kaffir Beer, twice a week; Lime Juice.	
Geldenhuis Estate	Goerz ...	Bucket System and Sawdust Urinal.	Pipes ...	In Compound	Johannesburg Waterworks.	Do. ...	Beds and Blankets provided. Native Attendant. M.O. visits daily. Diet as ordered by him.	New Kitchen erected. Steam Cooking.	Porridge, 2 Biscuits, Coffee, Rice daily; 1 lb. Meat, ¾ lb. Vegetables twice a week.	
Geldenhuis Deep ...	Eckstein...	Bucket System, Paved Gutters.	Paved Gutters.	Four in Compound.	Do.	Do. ...	Beds and Blankets provided. Native Attendant. M.O. visits daily. Diet according to his orders.	Steam Cooking.	Porridge, Coffee daily; 2 lbs. Vegetables, 1½ lbs. Meat twice a week; 1 pint Kaffir Beer thrice.	Good Vegetable Garden attached to Compound.
Glencairn G.M. Co.	Barnato ...	Re-constructed.	Open Gutters.	In Compound	Do.	Do. ...	Enlarged and improved. Coolie Attendant. Bed and Blankets.	Steam Cooking.	Porridge; Meat twice a week; Vegetables three times; Beans and Potatoes daily.	Large Garden.
Glen Deep, Ld. ...	Eckstein ..	Improved ...	Do.	With showers and continual running water.	Do.	Do. ...	Beds and Mattresses. White Attendant. M.O. visits daily. Diet as ordered by him.	Cook-house rebuilt. Steam Cooking.	Porridge, Coffee, 2 Biscuits daily; 2½ lbs. Vegetables, 1½ lbs. Meat, 1 pint Kaffir Beer weekly.	Large Garden.
Jupiter G.M. Co.	Goldfields	Bucket System.	Do.	—	From Spring	Do. ...	New Hospital. Beds and Blankets. Native Attendant. M.O. visits daily. Diet as ordered.	—	Porridge; 2 lb. Meat, 1 lb. Rice, ½lb. Vegetables once a week; Lime Juice.	Goldfields Farm supplies Fresh Vegetables.
Simmer & Jack West.	„	Do.								
Knights Central ...	Neumann	Bucket System recently adopted.	Do.	—	Disused Shaft	Do. ...	Compound rooms used ...	Steam Kitchen.	Porridge; 1 pint Coffee or Soup, 4 ozs. Vegetables daily; 3 Biscuits, 1 lb. Beans, 1 lb. Meat once a week.	
Knights Deep ...	Goldfields	New Latrines.	Do.	In Compound	Do.	Do. .	New Hospital. Beds and Blankets. White Attendant. M.O. visits daily. Diet as ordered.	—	Biscuit Porridge, also Mealie Meal; 1½ lbs. Meat, ½ lb. Vegetables twice weekly; Soup daily.	Large Garden.
May Consolidated, Ld.	Goerz ...	Do.	Do.	Bath with running water.	Johannesburg Waterworks.	Do. ...	Large New Brick Hospital. Beds and Blankets. Clothing. White Attendant. M.O. visits daily. Fresh Milk and Meat daily. Alcohol as required.	Steam Cooking.	Porridge, Coffee daily; 1 lb. Vrgstables twice, 1 lb. Rice once a week; Kaffir Beer and Lime Juice.	Small Garden.

GERMISTON DISTRICT—HEALTH AND DIET—*continued.*

Name of Mine.	Group.	Sanitation.					Hospitals.	Dietary.		Remarks.
		Latrines.	Drainage.	Baths.	Water Leadings.	Cleansing and Disinfectants.		Cooking Arrangements.	Present Dietary.	
New Primrose, Ld....	Barnato ...	Bucket System.	Open Gutters.	In Co npoun l	Johannesburg Waterworks.	Daily ...	New Hospital erected. Beds and Blankets. White Attendant. M.O. visits daily. Diet: Milk, Meat and Soup daily.	Steam Cooking.	Biscuit and Mealie Meal Porridge; ½ lb. Vegetables and Lime Juice twice a week; 1½ lbs. Beans, 1¼ lbs. Meat, 1 pint Kaffir Beer once a week.	
Reitfontein A. ...	Do. ...	New Latrines.	Do.	Do.	Disused Shaft	Do ...	New Hospital of brick and rubberoid. Beds and Blankets. White Attendant. M.O. twice weekly. Diet: Milk, Meat, Soup daily.	Kitchen improved. Steam Cooking.	Porridge; 3 lbs. Fresh Vegetables, 1¼ lb. Meat, 1 pint Kaffir Beer once a week.	Farm belonging to Company supplies Vegetables.
Reitfontein Estate...	Do. ...	Bucket System lately introduced.	—	—	Spring ...	Do. ..	Compound rooms used ...	—	Porridge daily; 2 lbs. Meat, 2 lbs. Fresh Vegetables, 2 pints Kaffir Beer once a week; Coffee daily.	Do.
Rose Deep, Ld. ...	Eckstein...	Bucket System.	Open Gutters.	Dam used ...	Johannesburg Waterworks.	Do. ..	New Hospital just completed. Beds and Blankets. White Attendant. M.O. visits daily. Diet as ordered.	Steam Cooking.	Porridge, Coffee and Kaffir Beer daily; 1 lb. Fresh Vegetables twice, 1½ lbs. Meat once, Lime Juice twice weekly.	Good Garden.
Simmer & Jack Proprietary.	Goldfields	Do.	Do.	In Compound	Spring ...	Do. ...	New Hospital. Beds and Bedding. White Attendant. M.O. visits daily. Diet as ordered.	Steam Cooking.	Biscuit Porridge, Soup, Coffee, Biscuits and Lime Juice daily; Kaffir Beer, 2 pints weekly; Vegetables and Rice daily.	Goldfields Farm supplies Fresh Vegetables.
Simmer & Jack East	Do.	Renovated ...	Do.	Do.	Disused Shaft	Do. ...	Improvements in Light and Ventilation. Native Attendant. M.O. visits daily.	—	Porridge daily; 3 lbs. Vegetables, 1¼ lbs. Meat, 1 pint Kaffir beer once a week.	Large Garden.
South Rose Deep ...	Do.	Bucket System.	Do.	In Compound, running water.	Do. ...	Do. ...	Native Attendant. Beds and Blankets. M.O. visits daily.	—	Porridge; 2 lbs. Meat, 1 lb. Vegetables once a week; Lime Juice.	
South Geldenhuis ...	Do.	Do.	Do.	—	Condensed Water.	Do. ...	New Hospital. Native Attendant. Beds and Blankets. Diet according to M.O. orders.	—	Porridge daily; 1½ lbs. Meat, 1 lb. Vegetables, weekly; Lime Juice.	Goldfields Farm supplies Vegetables.
Witwatersrand G. M. Co.	Consolidated Investment Co.	Do.	Do.	—	Johannesburg Waterworks.	Do. ...	Wood and Iron Building, slightly improved; Beds and Blankets. M.O. visits daily. White Attendant. Milk and Meat daily. Alcohol as required.	—	Porridge; 2 lbs. Meat, 2 lbs. Fresh Vegetables twice, 1 pint Kaffir Beer three times a week.	

GERMISTON DISTRICT.—VIGILANCE.

Cases of Ill-treatment of Natives.	Action taken.
A. On December 31st, 1903, J. Walker, Blacksmith, Geldenhuis Main Reef, assaulted Native "Picanini," by striking and knocking him down.	Summons applied for by Inspector, N.A.D. Accused sentenced to a fine of £1 or 7 days imprisonment.
B. On February 13th, 1904, Mr. Hall, General Manager, Geldenhuis Main Reef, Ld., ordered his Native Overseer to flog with a sjambok a Native named "Ndhlangane," employed by the Mine Boarding House Keeper.	Summons applied for by Inspector, N.A.D. Accused fined £3.

WAGES AND COMPLAINTS.

Only two complaints with reference to wages have been received by the Inspectors of this District:—

(1) During May, 1903, a complaint was made by a number of Natives on the Geldenhuis Main Reef G. M. Co., that certain sums had been deducted from their pay by the Manager in respect of fees due on Passports.

This case was referred to, and settled by, the Assistant Resident Magistrate of the District, amounts deducted being refunded.

(2) At Glencairn G. M. Co., on 24th April, 1903, a complaint was made by a number of Natives as to (*a*) rate of pay, which was stated to be lower than that which was being received by Natives doing similar work on neighbouring mines, and (*b*) as to the quality of their food.

These matters were thoroughly inquired into by the Inspector, and by the Chief Inspector N.A.D., and the necessary alterations and improvements were made.

COMPLAINTS AS TO NON-FULFILMENT OF PROMISES MADE WHEN RECRUITING.

No complaints on this subject have been received, but on 24th February, 1904, the Inspector of Germiston Western Division, drew attention to the fact that a considerable discrepancy existed between the rates of pay apparently promised by a Witwatersrand Native Labour Association Agent in the Northern Transvaal and the rates allotted to the Natives at the Witwatersrand Native Labour Association Compound on their arrival at Johannesburg. The case was due to a misunderstanding on the part of the Agent, and was referred through the Pass Commissioner to the Witwatersrand Native Labour Association, and has now been settled, the Natives receiving pay at the rate originally promised.

GERMISTON DISTRICT.—RETURN OF INSPECTIONS AND CASES ADJUDICATED.

Period. From	Period. To	Name of Company.	No. of Times Inspected.	Cases Adjudicated. Contravening Pass Regulations.	Other Offences.	Total.	Disputes Settled.
Nov. 18, '03	Feb. 29, '04	Burham G. M. Co. ...	7	—	—	—	—
April 19, '02	„ 29 „	Geldenhuis Main Reef ...	64	55	2	57	—
„ 14 „	„ 29 „	Geldenhuis Estate ...	84	—	—	—	—
„ 14 „	„ 29 „	Geldenhuis Deep, Ltd. ...	99	2	—	2	—
„ 11 „	„ 29 „	Glencairn G. M. Co. ...	60	—	1	1	—
„ 11 „	„ 29 „	Glen Deep Ltd.	62	—	—	—	—
„ 18 „	„ 29 „	Jupiter G. M. Co. ...	49	—	—	—	—
„ 19 „	„ 29 „	Knights Central, Ltd. ...	38	—	—	—	—
„ 18 „	„ 29 „	Knights Deep, Ltd. ...	45	—	—	—	—
„ 9 „	„ 29 „	May Consolidated, Ltd....	51	—	1	1	1
„ 2 „	„ 29 „	New Primrose G. M. Co.	65	4	—	4	1
„ 22 „	„ 29 „	Rietfontein "A," Ltd. ...	48	—	—	—	—
„ 22 „	„ 29 „	Rietfontein Estate ...	37	—	—	—	—
„ 12 „	„ 29 „	Rose Deep, Ltd.	69	—	—	—	—
„ 15 „	„ 29 „	Simmer and Jack Proprietary, Ltd.	96	—	—	—	—
„ 10 „	„ 29 „	Simmer and Jack East, Ltd.	67	11	9	20	1
„ 18 „	„ 29 „	Simmer and Jack West, Ltd.	59	2	—	2	4
March 15 „	„ 29 „	South Rose Deep, Ltd. ...	53	1	1	2	—
April 15 „	„ 29 „	South Geldenhuis Deep, Ltd.	80	3	—	3	2
„ 16 „	„ 29 „	Witwatersrand G. M. Company.	43	1	1	2	1
			1,176	79	15	94	10

SPRINGS DISTRICT.—COMPOUNDS.

Name of Mine.	Group.	No. of Natives Employed.			
		Date of First Inspection.	No.	No. on 29.2.04.	
Central Geduld G. M. Co.	A. Goerz & Co. ...	30.7.02	14	100	Portion new compound erected containing raised beaten earth floors, detachable wooden bunks, lattice ventilation and fire place in each room. Change houses erected. Completion of compound stopped pending supply of labour.
Clydesdale Collieries	Clydesdale Transvaal Collieries, Ltd.	12.3.03	333	812	Beaten earth floors, shelters, additional two rooms to hospital with cement floors and wooden bunks, windows put in hospital.
Tyne Valley Collieries	Henderson Consolidated.	14.3.02	260	249	New wood and iron compound erected containing raised beaten earth floors, lattice ventilation, and hospital, &c.
Great Eastern Collieries	Lewis & Marks ...	13.3.02	650	653	Compound repaired and general surroundings thoroughly cleansed ; previously in bad condition.
Cassel Colliery	Cassel Colliery Co., Ltd.	13.3.02	254	366	Raised beaten earth floors put down, new roof to portion of compound, and other general repairs.
De Rietfontein Colliery	Transvaal Coal Trust	12.3.02	152	301	Compound moved to more healthy spot, rooms enlarged, ventilated, and raised beaten floors (earth). Trees planted in compound.
Nigel G. M. Co.	Nigel G. M. Co., Ltd.	1.8.02	198	1,160	New roof on compound.

Springs District—Health and Diet.

Name of Mine.	Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leading.	Disinfection and Cleansing.		Cooking Arrangements.	Present Dietary.
Central Geduld G.M. Co.	A. Goerz & Co., Ltd.	New well ventilated Brick Latrine, Cemented throughout.	Surface Storm Drainage.	Using Running Stream pending Labour Supply.	—	Daily Removal of Rubbish, Periodical White Washing.	At present one of the compound Rooms is used as a Hospital. Daily attendance by a Medical Officer. Daily ration of Meat and Vegetables and other supplies as ordered by Medical Officer.	—	2 lbs. Meal per day. ½ lb. Meat per day. ½ lb. Vegetables per day. Coffee in cold weather.
Clydesdale Colliery	Clydesdale Transvaal Collieries, Ltd.	Well - ventilated; Cement Floors; Bucket System and Daily Service.	Do.	Cemented Baths.	Underground Pipes.	Daily Removal of Rubbish and Washing with Chloride of Lime.	Two Rooms added to Hospital, with Cement Floors and Wooden Bunks Windows put in Hospital. Daily attendance by Medical Officer. Daily ration of Meat and Vegetables and other supplies as ordered by Medical Officers.	Wood and Iron Kitchen.	1½ lbs. Meal, 1 lb. Vegetables per day. 1½ lbs. Meat per week. Coffee in cold weather. Large Compound Vegetable Garden.
Tyne Valley Colliery.	Henderson's Consolidated Corporation, Ltd.	New well-ventilated Wood and Iron Latrine, Cement Floors, and Bucket System, daily service.	Do.	Shower Erected over Cement Bath.	Do.	Do.	New Hospital with Dispensary, Cement Floors, Stretcher Beds and Heating Stoves. Daily Attendance by Medical Officer. Daily Ration of Meat and Vegetables and other supplies.	Do.	2 lbs. Meal, ½ lb. Meat, ½ lb. Vegetables per diem. Coffee in cold weather. Large Compound Vegetable Garden.
Great Eastern Colliery.	Lewis & Marks	New Wood and Iron Latrine, Cemented, Bucket System, and Daily Service.	Do.	Cement ...	New do.	Do.	New Detached Hospital with Dispensary, Verandah, Cement Floors, and Iron Bedsteads. Daily Medical Attendance. Meat and Vegetables and other Supplies as ordered by the Medical Officer.	Do.	1¾ lbs. Meal per diem, 1 lb. Meat, Vegetables weekly.
Cassel Colliery ...	Cassel Coal Co., Ltd.	New Floor, Cemented, Bucket System, and Daily Service.	Do.	Do. ...	Do. do.	Do.	New Hospital Latrine. Repairs to Hospital (detached). Daily Medical Attendance and Rations as above.	Do.	2½ lbs. Meal per day, 1¾ lbs. Meat, ¼ lb. Vegetables per week.
De Reitfontein Colliery.	Transvaal Coal Trust, Ltd.	Removed and Enlarged, Bucket System, and Daily Service.	Do.	New Enclosed Shower, Cemented.	Do. do.	Do.	Hospital, with Dispensary attached, Boarded Floors. Daily Attendance by Medical Officer. Rations as above.	Do.	1¼ lbs. Meal, 5 ozs. Meat, and 6 ozs. Vegetables per day. Coffee in cold weather. Vegetables from Compound garden.
Nigel G.M. Co., Ltd.	Nigel G. M. Co.	—	Do.	Dam is used	—	Do.	Two Burnt-brick Rooms added to Detached Hospital with Verandah, Cement Floors, and Fireplaces. Daily Attendance by Medical Officer. Rations as above.	New Wood and Iron Kitchen, with Steam Cooking arrangements.	2 lbs. Meal per day, 1 lb. Meat per week, and Vegetables from Compound Garden.

SPRINGS DISTRICT.—VIGILANCE

Cases of Ill-treatment to Natives.	Subject.	How Disposed of.
JIM, No. 2925 *vs.* VICTORIA EAST COLLIERY.	Refusing to grant discharge.	Prosecuted before A. R. M., Boksburg, sentenced to pay a Fine of £10.

WAGES AND COMPLAINTS.

Case.	Subject.	How Disposed of.
BLAFF, No. 45,404 *vs.* CASSEL COAL COMPANY.	Claim for 30s. Balance of Wages.	Claim upheld.
SEVEN, No. 906 and four others *vs.* VICTORIA COLLIERIES.	Claim for one day's Wages; stopped on account of refusal to work on Sunday.	Claim upheld.

COMPLAINTS FROM NATIVES AS TO NON-FULFILMENT OF PROMISES MADE WHEN RECRUITED.

A number of Transvaal Basutos recruited by the Witwatersrand Native Labour Association, and allotted to the Clydesdale Collieries, stated on registration that they had been promised £3 per month irrespective of age, strength, or work. On explanations these natives agreed to commence work and to be rated a fortnight later according to their respective capabilities.

SPRINGS DISTRICT.—RETURN OF INSPECTIONS AND CASES ADJUDICATED.

Name of Mine.	Period.		Number of Inspections.	Cases Adjudicated.			
	From	To		Contravening Pass Regulations.	Other Offences.	Disputes.	Total.
Central Geduld Gold Mine...	30.7.02	29.2.04	26	—	—	—	—
Clydesdale Colliery	12.3.02	29.2.04	95	68	—	23	91
Tyne Valley Colliery ...	14.3.02	29.2.04	80	9	—	—	9
Great Eastern Colliery ...	13.3.02	29.2.04	81	—	—	—	—
Cassel Colliery	13.3.02	29.2.04	90	52	1	3	56
De Rietfontein Colliery ...	12.3.02	29.2.04	87	6	—	—	6
Nigel Gold Mining Company	1.8.02	29.2.04	23	5	—	—	5
Nigel Deep Gold Mining Company.	1.8.02	26.10.03	23	1	—	—	1
Victoria Colliery	8.9.03	21.1.04	13	6	—	5	11
	—	—	518	147	1	31	179

Name of Mine.	Group.	No. of Natives Employed.			
		Date of First Inspection.	No.	No. on 29.2.04.	
Transvaal and Delagoa Bay Colliery ...	Transvaal and Delagoa Bay Collieries, Ltd.	5.1.04	1,131	1,150	The Ventilation is good. There is a large Garden attached to the Compound.
Witbank Colliery	Neumann & Co. ...	4.1.04	1,370	1,370	The Floors are at present being re-laid with Burnt Brick and Cement. Movable Wooden Bunks have been introduced. Ventilation has been much improved, and is now good. A new Wing with all the latest improvements has been built on to the Compound. Large Compound Gardens.
Middelburg Steam Coal and Coke Co. ...	Middelburg Steam Coal and Coke Co., Ltd.	5.1.04	130	129	Three new Rooms have been built. The Ventilation is good.
Coronation Colliery	Coronation Colliery, Ltd.	5.1.04	202	239	Three new Rooms have been built. The Ventilation has been improved, and is now good.
Douglas Colliery, Ltd.	Douglas Colliery, Ltd.	19.1.04	270	300	Bunks have been introduced, and two new Rooms have been built.
Landau Mine...	Cassel Coal Co., Ltd.	8.1.04	290	300	Bunks have been introduced. There is a large Compound Garden.

Name of Mine.	Name of Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leading.	Cleansing.		Cooking Arrangements.	Present Dietary.
Transvaal and Delagoa Bay Collieries.	Transvaal & Delagoa Bay Collieries, Ltd.	—	Very good ...	Two Cement Baths are being put in.	The water is laid on in pipes.	The Compound rooms are constantly white-washed and disinfected.	The Sick are well cared for, and an European Hospital Attendant has been placed in charge. A Brick Hospital has been built, with accommodation for 50 patients. Patients receive special hospital diet when ordered by the Medical Officer, who attends daily.	—	Meal, Rice, Coffee and Sugar, Lime Juice, and Kaffir Beer daily; Meat and Vegetables twice a week.
Witbank Colliery ...	Neumann & Co.	A Latrine has been erected in Compound for night use.	—	Cement Bath	The water is laid on in pipes.	The Compound is disinfected and white-washed constantly.	The Sick are well cared for, and there is an European Hospital Attendant in charge. The Hospital has been enlarged, and accommodation for 100 patients has been provided. Patients receive special diet when it is ordered by the Medical Officer, who attends daily.	Steam Cooking is being installed.	Meal, Biscuits and Coffee. Lime Juice daily; Meat and Vegetable Stew three times a week; Kaffir Beer once a week.
Middelburg Coal and Coke Co.	Middelburg Steam Coal and Coke, Ltd.	—	—	—	—	The Compound is disinfected and white-washed consonstantly.	The Sick are well cared for, and a Native Hospital Orderly is employed. An Iron Brick-lined Hospital to accommodate 20 boys has been erected. The patients receive special diet when it is ordered by the Medical Officer, who attends three times a week.	—	Meal daily; Meat, Vegetables, and Kaffir Beer once a week.
Coronation Colliery	Coronation Colliery, Ltd.	—	Improved ...	—	—	The Compound is disinfected and white-washed constantly.	The Sick are well cared for, and a Native Hospital Orderly is employed. An Iron Brick-lined Hospital to accommodate 20 boys has been built. The patients receive a special diet when it is ordered by the Medical Officer, who attends three times a week.	—	Meal daily; Meat, Vegetables, and Kaffir Beer once a week.
Landau Mine ...	Cassel Colliery Co., Ltd.	—	—	Cement Bath	—	The Compound is disinfected and white-washed constantly.	The Sick are well cared for, and a Native Hospital Orderly is in attendance. A new Iron Brick-lined Hospital has been built, in which the patients get special diet, if ordered by the Medical Officer, who attends daily.	—	Meal and Lime Juice daily; Meat and Vegetables twice a week; Kaffir Beer and Treacle once a week.

MIDDELBURG DISTRICT.—HEALTH AND DIET—*continued.*

Name of Mine.	Name of Group.	Sanitation.					Hospitals.	Dietary.	
		Latrines.	Drainage.	Baths.	Water Leading.	Cleansing.		Cooking Arrangements.	Present Dietary.
Balmoral Colliery ...	Balmoral Colliery, Ltd.	—	—	—	—	—	A Medical Officer visits the Mine three times a week.	—	Meal daily; Meat and Kaffir Beer once a week.
Cobolt Mine	Henderson Consolidated.	—	—	—	—	—	A Medical Officer visits the Mine three times a week.	—	Meal daily; Meat and Kaffir Beer once a week.
Douglas Colliery ...	Douglas Colliery.	—	Improved ...	—	—	The Compound is whitewashed and disinfected at intervals.	The Sick are well cared for, and a Native Hospital Orderly is kept in attendance. Special diet is provided for patients when ordered by the Medical Officer, who attends three times a week.	—	Meal daily; Meat, Vegetables, and Kaffir Beer once a week; Coffee, Sugar, and Army Biscuits three times a week.
Crown Colliery ...	Rogerston Collieries, Ltd.	—	—	—	—	The Compound is whitewashed and disinfected at intervals.	The Sick are well cared for, and a Native Hospital Orderly is in attendance. Special diet is provided when ordered by the Medical Officer, who attends three times a week.	—	Meal daily; Meat and Vegetables once a week; Kaffir Beer once a week; Treacle three times a week.

MIDDELBURG DISTRICT.—VIGILANCE.

Cases of Ill-treatment of Natives.	Remarks.
A Native Overseer on the Witbank Colliery was charged with assaulting a native with a sjambok.	Accused was found guilty and sentenced to a fine of £1, or in default one month's imprisonment.

WAGES AND COMPLAINTS.

Complaints of Natives *re* Wages, steps taken, &c., &c.—No complaints.
Complaints as to non-fulfilment of promises made by recruiters —No complaints.

MIDDELBURG DISTRICT.—RETURN OF INSPECTIONS AND CASES ADJUDICATED.

Period.		Name of Mine.	Number of Inspections.	Cases Adjudicated.			
From	To			Contravening Pass Regulations.	Other Offences.	Total.	Disputes settled.
Nov. 1/03	Feb. 29/04	Transvaal and Delagoa Bay Collieries.	8	6	—	6	—
do.	do.	Witbank Colliery	9	25	—	25	—
do.	do.	Middelburg Steam Coal and Coke Co.	7	4	—	4	—
do.	do.	Coronation Colliery ...	8	1	—	1	—
do.	do.	Landau Mine	5	2	—	2	—
do.	do.	Balmoral Colliery	2	1	—	1	—
do.	do.	Cobolt Mine	2	6	—	6	—
do.	do.	Douglas Colliery	2	—	—	—	—
do.	do.	Crown Colliery	2	—	—	—	—
			45	45	—	45	—

No. 13.

Governor VISCOUNT MILNER to Mr. LYTTELTON.

(Received May 2, 1904.)

Sir,

Governor's Office, Johannesburg, April 11, 1904.

With reference to my despatch of the 2nd April,* I have the honour to transmit to you copies of the Annual Report of the Commissioner for Native Affairs for the year ending the 30th June, 1903.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 13.

Annual Report by the Commissioner for Native Affairs for the Year ended 30th June, 1903.

It was decided in 1902 that Annual Departmental Reports should be made for the calendar and not for the financial year ending 30th June. Reports were thereupon made and published for the period ended 31st December, 1902. It has since been determined to compile these reports for the financial year, and, in order to bring the series into line, reports and returns are now furnished for the year ended 30th June, 1903—six months of which have already been dealt with in my Report for the calendar year above mentioned.

This Report so far as administrative matters are concerned must therefore be regarded as for a broken period, viz.:—for the six months ended 30th June last. The returns and statistics will, however, cover the whole period.

My previous report, which was dated March 3rd, 1903, and the enclosures, traversed a period during the first half of which war was still prevailing and the conditions of the country much disordered. The natives were then scattered and somewhat bewildered. They had realised the magnitude of the struggle between the two white races and were aware of the issue of it. That issue, however, was not one which they had altogether expected, because, in some cases they had imagined and had been misguided enough to believe that the result of the war would be to deprive the Boers of their land and to appropriate it for the benefit of the native races. Though that idea has been almost entirely removed from their minds by myself in interviews and by all the officers of this Department who are brought into touch with the natives, traces of it still remain and will take time to efface for the reason that during the war irresponsible persons gave promises and pledges for which there was no warrant and no chance of fulfilment. Thus it was that wrong impressions were created as regards land grants and the rights to looted property which have had to be clearly and definitely eradicated.

It is but natural therefore that many of the natives in consequence of their disappointment regard the Government with a certain amount of disfavour which has found expression in various ways. Their disillusionment has contributed towards better relations between them and their late masters although, I regret to say, that those relations are not so satisfactory as they might be with advantage to all concerned. This, however, is not peculiar to the Transvaal. It is and has been since the war common to the whole of South Africa and there are certain causes to account for it. In the first place the whole native population felt when the course of the war was clearly seen that, although they were not allowed to partake in that war, they were a material factor in the progress of it, *i.e.*, they regarded themselves, not without reason, as essential to the contending forces in the field, both of whom required native experts for, amongst other things, the important work of transport, herding and scouting.

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* No. 12.

For these services, which they well and loyally fulfilled to whichever side they were attached, they received high wages and, though losing a good deal of their live stock, enjoyed the benefits which always fall to neutrals.

The war thus left South Africa with a heavy legacy in the shape of high wages which every common unskilled native labourer had learned to regard as normal, and further, there was engendered a spirit of independence and apparent aggressiveness which was a new and regrettable feature in relations between black and white.

Under ordinary circumstances this undesirable spirit would have disappeared or have been counteracted had not other conditions arisen tending rather to stimulate it. The declaration of peace was followed by a demand for labour largely in excess of anything that prevailed before the war. There was feverish haste in all parts of South Africa to be first in the field to compete for and gain this labour and the persons employed to compete for it were Europeans.

To my mind this great demand for labour and the methods necessarily employed to solicit it tended to aggravate the independent attitude of the Natives which is plainly visible to-day.

It has been stated at intervals that the demand for labour was abnormal and the supply would at an early date be forthcoming. This has not proved to be the case nor is there any prospect in view of the demand decreasing, indeed there is every indication of the demand increasing.

So long therefore as the question of supply and demand of labour remains as it now is, we must expect the individual to temper his independence according to the extent to which his services are requisitioned and held to be indispensable.

If in consequence of an inflated rate of wages the natives are in a position during a great part of their time to stand aloof whilst the white people are working hard and the country is suffering from want of labour the gulf between the two races is liable to become widened and one of the great bonds of sympathy between them destroyed. Further, the effect may probably be to arrest the natural progress of the natives.

Though proposing to deal with the labour question under a separate heading of this report I have introduced these remarks here because it is a matter of paramount importance in South Africa and affects the vital relations between white and black. Those relations to be healthy will be best co-ordinated if the two races share a feeling of useful dependence upon each other in promoting the development of this country, if the higher race recognises its obligations to the lower, and the lower race realises its true position and, whilst claiming and receiving the fullest measure of justice, owns towards the higher race a becoming respect.

2.—Native Commissioners.

Following the procedure adopted in previous reports I shall now allude to the duties and work accomplished by the Native Commissioners who are the backbone of the administration of affairs affecting the native population of this Colony.

These officers who were men of experience took office immediately after the declaration of peace and have borne a most important part in reducing the country, so far as the natives are concerned from the chaos and disorder into which it had fallen. The natives were scattered, confused and disquieted. They had during the war occasionally engaged in sanguinary struggles between themselves; they had lost all touch with the Government and were practically out of control, they were armed; they were insolent and menacing to the Boer farmers; they had never been subjected to a proper system of taxation.

The Native Commissioners having under them a few Sub-Commissioners lost no time in taking the necessary action to restore order and acquaint the people with the exact state of affairs. They discharged their duties well. The result of their action may be best seen in the illustration that when the time came to bring about disarmament and carry out a proper system of taxation the natives clearly understood the position and responded cheerfully and obediently to the orders they received.

These Native Commissioners had to face during their first year a very abnormal amount of work. Disarmament and taxation alone were heavy tasks.

In addition to that they had to deal with :—

The treatment of all the District Affairs arrear and current relating to natives who yearn for and have a right to claim Courts to which they can go for settlement of their cases. Without such courts presided over by trained and sympathetic officers disturbing influences will always be at work.
The administration of justice between native and native;
Repatriation;
Re-settlement of natives upon farms;
Thousands of compensation claims;
Gathering information about land and tribal questions of which but few records were obtainable;
The estimation of the population and its distribution;
Collection of returns for labour and all other statistics; and a variety of matters relating to masters and servants, passes, labour, health, scarcity of food and so forth, too many in detail to quote.

It must be borne in mind that the whole fabric had been pulled down and required re-building. I doubt if any small body of public officers called upon to discharge such onerous duties in a short time could as a whole have performed them more satisfactorily than those whose work is now under review.

At this point I must digress for a moment to note the assistance which these officers had as compared with that afforded to officers holding similar positions under the late Republic.

Our strength during the period under review was 5 Native Commissioners and 20 Sub-Commissioners.

The late Government had 8 Native Commissioners, 12 Sub-Commissioners and over 100 Field Cornets who were appointed as Sub-Commissioners all over the country, who in turn were empowered to extend to Assistant Field Cornets the same jurisdiction.

These Field Cornets and their assistants have not been available to us, and the entire work which was formerly done by over 150 officials has been borne by 25.

The Native Commissioners are entrusted with combined administrative and judicial functions, the general scope of which may broadly be outlined as follows :—

A.—Administrative.

1. To acquaint themselves with the history and traditions of the natives.
2. To study all questions affecting their customs, political concerns, and general welfare.
3. To act as the channel of communication with the Government and as the District representative of the Commissioner for Native Affairs to whom they are directly responsible.
4. To carry out instructions issued by the Commissioner for Native Affairs, and be responsible for the promulgation and due observance of laws, proclamations, and regulations particularly affecting the Natives.
5. To maintain law and order amongst the Natives.
6. To keep in close touch with and report current native feeling and opinion.
7. To promote and establish confidence in and proper relations with the Government.
8. To encourage and direct the Native's progress towards civilization by inculcating habits of industry, &c.
9. To establish if possible and maintain satisfactory and contented relations between the white and black races.
10. To deal with land and occupation questions.

11. To further every interest in connection with the demand and supply of labour.
12. To supervise and control the collection of taxes.
13. To be in constant communication with the Chiefs, and advise them in the conduct of tribal affairs.

Sub-Native Commissioners.

The 20 Sub-Native Commissioners appointed under the present Administration were distributed according to the incidence of the Native population that is to say for example—in the Zoutpansberg where the Native population was over 200,000 spread over an area of 25,000 square miles 5 Sub-Commissioners were stationed and, in certain districts where there are no locations, there were none.

Their duties are extensive, and embrace, *inter alia*, the following:—

1. To assist Native Commissioners, and carry out the orders of Government in sub-districts.
2. To solemnise marriages between coloured persons.
3. To collect taxes.
4. To issue passes and to carry out the Pass Regulations.
5. To explain the Laws and Orders of Government.
6. To keep in touch with the Natives, watch their movements and attitude, and report political matters.
7. To facilitate and to attest agreements between farmers and their tenants or servants, and to settle complaints or disputes between them.
8. To assist and co-operate with Magistrates.
9. To supervise the conduct of Government and other locations.
10. To protect and advise Natives appealing to Government, and
11. Generally to act as mediums between Government and the Native population in matters of law, order and justice.

B.—JUDICIAL.

The judicial powers conferred by existing law upon Native Commissioners and Sub-Commissioners are as follows:—

Civil Jurisdiction.

Under Section 4 of Law 4, 1885, power is conferred upon Native Commissioners and Sub-Commissioners to enquire into and decide all civil disputes between native and native as well as civil matters referred to them by white persons against any natives of a large savage tribe.

These powers are affirmed by Ordinance No. 3 of 1902, Section 3 of which provides for their appointment as ex-officio Resident Justices of the Peace for the District beyond a radius of 20 miles from any Magistrates' Court in their District.

By Section 9 of Law 7, 1894, jurisdiction is vested in them as Resident Justices of the Peace in all civil cases in which the amount of the claim does not exceed . . . . in liquid cases £100 in illiquid cases £35.

A Court of a Native Commissioner is an Inferior Court within the meaning of Section 19 of the Administration of Justice Proclamation, 1902, and their judicial decisions are, therefore, subject to review by the Supreme Court on the grounds stated in that Section.

Criminal Jurisdiction.

It is laid down by Law No. 4 of 1885 that in all minor crimes or offences, such as minor assaults, petty thefts, &c., committed by natives within their respective Districts, Native Commissioners have the right to punish any native offender by fine up to £10 or imprisonment with or without hard labour, and with or without spare diet for a period not exceeding three months or lashes up to 25 in number.

By Ordinance 44 of 1902, contraventions of the Pass Laws Regulations made thereunder are also triable by Native Commissioners, the punishment being fixed by those Regulations.

By first Volksraad Resolution Articles 1488 and 1489 of 1894 Sub-Native Commissioners may punish for the same crimes by fine not exceeding £5 or by lashes not exceeding 15 in number.

These powers are affirmed by Ordinance No. 3 of 1902 which provides, however, that no sentence of lashes may be imposed, except in the case of a second or subsequent conviction for some crime or offence within the space of three years, and no lashes may be inflicted until the sentence has been confirmed by a Judge of the Supreme Court.

Being appointed ex-officio Resident Justices of the Peace by Ordinance No. 3, of 1902, Native Commissioners exercise the criminal jurisdiction conferred by Section 10, Law 7, of 1894, as limited by Ordinance 15 of 1902, in all offences committed outside a radius of 20 miles from any Magistrate's Court in their District which are punishable by a penalty not exceeding a fine of £25 or imprisonment for one month.

Section 11 of the Law 7, of 1894, especially empowers Resident Justices of the Peace to deal with all such offences as are mentioned in the Master and Servants Act, and the Customs Law, in addition to a number of laws referred to in the Schedule and Section 12 confers special jurisdiction in all minor offences against the person and property, but the punishment they can inflict must not exceed the limits set out in the last preceding paragraph.

They also have power to impose various penalties for contraventions of the Game Preservation Ordinance, No. 29, of 1902, not exceeding a fine of £20 or one month's imprisonment in default of payment of the said fines.

Under Section 2, Law 7, of 1894, they are empowered to arrest offenders, issue warrants, &c.

I submit separate reports by each of the Native Commissioners upon the administration and general position of affairs in their respective Divisions during the period under review. Annexures A, B, C, D, E, and F.

3.—Native Police.

The Native Commissioners have had to be assisted by Native messengers who are employed as channels of communication between the Officials and the Natives.

This class of native official is of the greatest value to the Department and to the Government. But for them, I feel sure that the close touch that ought to be maintained between the natives and the Government would be entirely lost.

Their duties are, amongst other things, to act as the eyes and ears of Government and gather information regarding the natives, which it is essential for Government to know; to visit all kraals, examine tax receipts, and trace defaulters who do not hold receipts on paper of the right description, each year having a different colour; to co-operate with the South African Constabulary in the execution of police duty; execute warrants, serve subpœnas, escort prisoners, and carry despatches; to detect contraventions of the Game Law, and aid in the preservation of game; to ascertain if guns are acquired or concealed; to circulate to the native people orders and instructions.

I have no doubt that any attempt to impair their usefulness by hasty retrenchment will be found to be an unfortunate mistake.

During the discussion of the Estimates in the Legislative Council exception was taken to the employment of so many as were provided for. I pointed out then, as I wish again to point out now, that the European police are recruited chiefly from men who are perfect strangers to the country, and useless for matters connected with native affairs. Moreover, there were districts in the north-east and west where fever and horse sickness were rampant, and where the expense of maintaining European police was extraordinary compared with that of natives who were engaged at low rates, viz.: £3 a month, and placed under the officers of this Department accustomed to deal with them, and capable of managing them to the best advantage in the maintenance of law and order.

A large work requires to be carried on through the medium of these natives, and it will always be found necessary to employ them. It is true that their duties have been abnormal during the year, and that more were required during the initial stages than may be wanted permanently.

Measures have already been taken to reduce them.

I cannot leave this subject without recalling attention to the fact that many of the wars and troubles in the history of South Africa have arisen from the use of inexperienced and unsympathetic persons in dealing with the native population.

4.—District Administration.

The discussion upon the last Estimates opened out important points connected with provincial administration, and the necessity of amalgamation in various District Departments of the Government.

It is unquestionable that when the country suddenly emerged from a state of war to a state of peace, and during a subsequent period of transition there was unrest and confusion which required in the districts the undivided attention of experienced officials for the treatment of native affairs.

In order to avoid as far as possible overlapping of jurisdiction between the Magistrates and Native Commissioners it was provided by Ordinance No. 3 of 1902 that no Native Commissioner should exercise jurisdiction within a radius of 20 miles of any Magistracy.

I have, however, always held the opinion that, whilst making provision for the exigencies of a critical period, the ultimate aim of the Government should be to incorporate, under certain conditions, all district affairs for administrative purposes in the hands of the Resident Magistrate. The great questions were the fitness of the moment to make the change and the fitness of the men to be placed in responsible charge.

The late Republican Government, in the fullness of experience, by its laws and regulations entrusted the direction of Native Affairs entirely to a superintendent who occupied a seat in the Councils and had under him Native Commissioners, Sub-Commissioners and Field-Cornets entirely responsible to him.

Such a system appealed to the late Government as being the one best adapted to the circumstances of this country, and it is a system which all the British Colonies of South Africa found necessary to adopt in earlier stages in some form or another. But in the older Colonies of the Cape and Natal time and experience have latterly revealed the necessity for change, and in both these Colonies the work is now merged in the Resident Magistrate.

It appears to me that the time is now near when in the interests of and for the purposes of the general Administration of this Colony re-organisation is desirable upon the lines adopted in the Cape and Natal.

Upon the question of policy, attention may be drawn at this point to the High Commissioner's despatch of January, 1902, to the Secretary of State, to be found in Blue-book, Cd. 904. In that despatch the High Commissioner said :—

> "It may be desirable briefly to state what are the intentions of this "Administration with regard to this matter. In all districts where there "is a large independent native population the control of native affairs will "be in the hands of a Native Commissioner directly responsible to the Com- "missioner for Native Affairs, and the greatest care will be taken that these "Commissioners, who will occupy an important position in the Government "service and receive high salaries, are men of high character intimately "acquainted with native laws and habits having the interests of natives at "heart and as far as possible familiar with their language . . . . . "We shall require at least five such Commissioners, with younger men "under them as assistants, who will be trained in their school. . . . . "Without the right men I need hardly say that the best principles and the "best laws are, in the matter of native administration, almost useless, and "therefore I am entirely in accordance with Sir Godfrey Lagden in desiring "to see the Native Commissioners mostly carefully selected. . . . . .

'The man who can converse fluently with the natives in their own language has a great advantage, and every encouragement will be given to the acquisi-
"tion of this aptitude. . . . . As regards the methods of Govern-
"ment to be adopted I am in general agreement with the principle that
"native institutions should not be unnecessarily interfered with, that their
"existing system of communal tenure or tribal government and their tradi-
"tional customs, as far as they are not in gross conflict with civilised ideas,
"should be respected; that they should not be compelled by force or induced
"by fraud to leave their own country for service with white men; and that
"their taxation should be in proportion to service rendered and benefits
"bestowed upon them by our Government. Finally, I think that much more
"should be done for the education of the natives than has ever yet been
"attempted in the Transvaal. I do not mean that they should be educated like
"Europeans, for their requirements and capacities are very different, but they
"should be trained to develop their natural aptitude for their own good and
"that of the community."

In carrying out this policy or in carrying out any policy it is necessary to have proper instruments. The Native population is a large one and sensitive to violent changes. It requires management by men who understand it and are familiar with its ways and its thoughts. If it is governed in an unsympathetic way by unsympathetic persons trouble may certainly be expected, and the tendency may be to drive away from this Colony many who prefer seclusion to being worried by inexperienced persons. But this will be a calamity, as the country requires the natives who are one of its most valuable assets. In the past we have enjoyed entire immunity from the dangers of combination. If the method of management is calculated to make the natives discontented and desperate the chances of combination are enhanced.

It is necessary for them to have officers in whom they can confide, courts to which they can freely go, and, where there is a density of population, officers stationed amongst them qualified and empowered to deal with civil cases and minor criminal cases. The importance of conferring sufficient authority upon such officials cannot be overstated. If they are allowed to feel that officers placed over them by Government have no visible and effective powers they may easily and quickly get out of hand. The removal of the lash from the category of punishments has in itself weakened the disciplinary effect of the law.

In their uncivilised state the natives are accustomed to and require firm restraint. The more licence they receive the less respect they will show for established authority.

If Resident Magistrates in those districts of the Transvaal where there are native populations are qualified by experience, as Magistrates similarly circumstanced in the Cape Colony and Natal are qualified to take over the management of native affairs in those districts, then I consider the amalgamation may be effected. But it is upon that condition and that condition only that I consider the amalgamation should take place, with the further understanding that in the event of vacancies or removals selection should proceed upon the same lines.

There are some districts of the Transvaal where the native population being only situated on farms the change, if any, could take place at once. But wherever the native population is extensive it should take place only by degrees when suitable men combining the qualifications required are available.

In the event of such amalgamation and the disappearance of the Native Commissioners it will be necessary for reasons already given to maintain an adequate number, not less than that now employed, of Sub-Commissioners to work under the Magistrates under instructions from the Native Affairs Department.

If any wholesome control is to be exercised over natives there must be men in every district whose special business it is to look after them. Both they and the Magistrates will require a good number of native police messengers. Without sufficient officers and natives subordinate to the Magistrates as above indicated it will, in my opinion, be impossible to properly control and keep in touch with the native population, and if that is not done the peace and good order of the country is endangered.

Reorganisation upon the lines indicated will conduce to a saving of expenditure upon Native Commissioners and the establishments hitherto necessarily maintained by them.

But although I consider the present form of District Administration may be varied, it would, in my opinion, be a fatal error on the pure ground of economy to impoverish or sacrifice the work of native administration or to neglect that control by effective touch which is of paramount value.

5.—Land.

Few questions of policy at the present time demand more careful and prominent consideration than the land settlement of the natives. It has been under my constant attention, and in order to ascertain its precise position I have caused a map to be prepared showing the areas within which the natives are now principally located throughout the Transvaal. A copy of this map* is appended, of which a complete index has been compiled. It will be seen that the distribution of the population has been classified into four groups, viz. :—

Appendix No. 1.

Government locations.
Private farms owned by natives.
Undefined locations on private farms.
Undefined locations on Government farms or Crown lands.

In illustration of the particulars appearing upon this map, the following documents are submitted :

Appendices 2, 3, and 4.

Diagram* showing by divisional comparison approximate areas principally occupied by natives.
Diagram* showing estimated density in square miles of the whole native population.
Table† giving estimated number distribution and density of the native population.

It is both interesting and instructive to observe the following facts from the particulars furnished by these documents :—

—	Area in Square Miles of Transvaal Colony.	Estimated Native Population.	Density per Square Mile.
Government Locations	2,054	111,919	54·0
Farms owned by Natives	712	41,180	57·8
Undefined Locations—			
(*a*) Private Farms	3,932	134,880	34·3
(*b*) Government Farms or Crown Lands.	1,175	81,820	69·
Remainder of Transvaal	103,323	235,867	2·2
Total	111,196	605,666	Average 5·4

The density of the population is governed by local physical conditions such as the available arable land, pasture land, unhealthy areas, water supply, and waste lands, and also by the relationship between landlord and tenant. The attitude of European landowners towards their tenants operates as a strong determining factor in the matter of Native settlement on farms.

It will be noticed from the returns that about one-third of the total native population occupies the Northern or Zoutpansberg Division which is composed of the districts of Pietersburg, Spelonken, Haenertsburg, Shewasa and Blaauwberg.

A fourth of the native inhabitants reside upon private farms owned by Europeans, nearly a fifth on established locations, over one-seventh on Crown lands, one-

* Not reproduced. † Not reprinted.

fourteenth on land held by natives, and more than a third are scattered over the remainder of the Colony.

These figures are exclusive of native labourers imported into the country for industrial purposes.

Nearly all the land suitable for agriculture and available for native purposes has already been taken up and occupied. There is therefore very little soil in reserve for the expanding and surplus native population.

In order to equalise the distribution of labour the Government of the late South African Republic passed an Act in 1895 known as the Squatters Law limiting the number of families on any farm to five for each owner, tenant or lessee.

It was contemplated in carrying out this measure to induce those natives in excess of the actual wants of a farm to move to other farms where an insufficiency of labour was felt. The law was, however, for various reasons, never put into operation. The question of enforcing the provisions of this Act has frequently been urged upon the notice of this Department but there are potential reasons why it has not been found practicable to do so. It is together with the whole land question engaging the attention of Government as a matter of policy, before consideration of which a mass of information requires to be collected and considered. I trust at an early date to bring out a report upon the subject. Meanwhile in view of the Inter-Colonial Commission constituted to investigate and offer recommendations affecting native conditions in the whole of South Africa it is not desirable to offer any pronounced opinion as it is a subject upon which that Commission is closely concerned.

It may, however, be stated here that the Native Commissioners of the Transvaal have been directed to call public attention to the Squatters Law, to warn natives and landowners where squatting is carried on in contravention to facilitate as far as possible useful distribution of labour by placing farmers in search of labour in communication with native families desirous of settlement on farms under registered agreement.

In early days the natives enjoyed the almost unrestricted use of as much ground as they individually desired for agricultural and pastoral purposes, but the time is undoubtedly approaching when changes must ensue in this respect.

Apart altogether from the congestion of population and absorption of the land the natives have to learn improvements in the method of agriculture, the economic use of both land and water, and, in advancing with the changing conditions of the time, to adapt themselves to small holdings and to the necessity of regular labour as a supplement to what small holdings produce.

The giving out of large holdings under communal tenure has practically ceased in the Transvaal, and there is little probability of any revival of the old system.

As growers of agricultural produce the natives have proved everywhere a valuable quantity in the land. The more they can produce for local consumption the fewer cereals it will be necessary to import and the better for the country. Moreover, it has been found that kiln dried mealies introduced from America are harmful as conducive to scurvy, whereas the home-grown article which is sun-dried contains health-giving properties.

Conditions of Occupation.

(*a*) *Private Farms.*

Under the Squatters Law No. 21, 1895, every white owner of a farm may retain five native families on his property, and, subject to the consent of the owner, every European lessee, tenant, or "bijwoner" enjoys a similar right. The terms of occupation are simply a matter of arrangement between the owner or European occupier and the native. Any agreement entered into is terminable upon three months' notice on either side. All natives on private farms are thus liable to removal upon such notice being given.

Generally speaking the agreements provide for one or other of the following conditions:—

Free labour in lieu of rent,
Wages if rent be levied,
Participation in crops cultivated by Natives.

Under any of these alternative arrangements the Natives receive free water and grazing rights.

As before stated this law was never applied by the late Government. There are private locations on the property of various land companies and large land holders. But such land is nearly all situated in unhealthy areas unfit for European settlement and if the natives were summarily removed they would probably emigrate to some of the surrounding territories where opportunities are offered. Such emigration would be a great loss to this Colony. The late Government made the attempt and condemned it just before the outbreak of war without suggesting any alternative. Their reasons were unquestionably sound and exist to-day.

(*b*) *Crown Lands.*

Every adult male native in occupation of Crown farm lands is required to pay an annual rent of £1. Water and grazing rights are free. In all other respects they are subject to the provisions of the Squatters Law and are practically in the same position as tenants on private farms.

(*c*) *Locations.*

Location lands are ordinarily held by the Government in trust, and are specially set apart for the benefit of natives in communal tenure. Under tribal conditions it is a prerogative of the chief to indicate the particular site which each member of the tribe shall occupy for his kraal, and the land which he may cultivate. Common rights are enjoyed throughout the location in regard to water, wood, grazing. The people are under no other liability to the State than the payment of an annual tax.

(*d*) *Lands owned by Natives.*

These properties were almost entirely acquired under the late Government and are virtually in the same position, as regards occupation, as Crown Lands. The title to each property is vested in the Commissioner for Native Affairs in trust for the owner, who cannot therefore encumber or dispose of their interests without the consent of the Government.

6.—Labour.

This question of such vital importance to the prosperity of the mining industry and to the whole of South Africa has continually been the cause of serious concern to this Department. In order to obtain as much information as possible concerning the available supply in the Transvaal, statistics were compiled during the process of the general tax collection when the Native Commissioners had special opportunities and facilities for arriving at an approximate enumeration of the native population. As a result of these investigations a return* was prepared by this Department, a copy of which is attached.

Appendix No. 5.

This return was subsequently submitted to the Native Labour Commission in support of my evidence before it. Though the figures have only been arrived at by estimate they can be accepted as sufficiently approximate and correct to draw some useful deductions as to the actual amount of native labour available under normal conditions in this Colony. It may be remarked that out of an estimated total adult male population of 137,839, the number of able-bodied men available for service beyond the district of their residence in any one year, is calculated at 50,666, but as

* Printed at page 79 of [Cd. 1897.]

the general period of labour does not exceed six months only half that number would as a rule be absent at any one time.

At the end of June there were rather more than 21,000 of these actually working in the labour districts of the Witwatersrand, both on the mines and in other service. Probably only 15,000 would represent the number actually employed on the mines. If the labour demands of the mining industry are anything approaching what is stated it will readily be seen what a small contribution towards the supply can be expected from the Transvaal.

The following statements* are appended showing in detail:— Appendices No. 6, 7, 8, 9, 10, 11 and 12.

The estimated population of the Transvaal including labour districts.
Native labour employed in industries other than agriculture.
Natives employed in labour districts.
Territorial analysis of natives employed in labour districts.
Progressive increase of labour supply.
Desertions.
Labour wastage.

All these documents were laid before the Native Labour Commission.

As the whole question of native labour supply has engaged the critical attention of the Commission referred to, I shall offer no further remarks.

7.—Wages on the Mines.

A communication was received from the Witwatersrand Native Labour Association on the 16th January to the effect that it had been decided by the Chamber of Mines to revert as from the 1st of that month to the schedule of native wages in operation in 1897, and to continue the system of piece work or task work on the basis of that schedule, a copy of which is enclosed. Appendix No. 13.

The various administrations of South Africa were invited to circulate this information as widely as possible amongst the natives an invitation which was readily responded to. The minimum rate of pay for adult labourers was thus increased from 30s. to 45s. per month. While the change has possibly attracted a few more natives to the mines, and produced greater contentment amongst them, it cannot be said that this increase has resulted in any marked appreciation of the labour supply, which continues to fall very far short of the demand. High wages have a tendency to reduce rather than to augment the supply.

The volume of native labour in circulation is regulated by the wants of the labourers. If by earning higher wages they can supply their wants in less time, their period of service will be proportionately less. By increasing their personal wants they will in due course extend their period of service. This is, however, a gradual process. Meanwhile the reactionary effect of high wages should not be overlooked.

8.—Mortality, Treatment and Condition of Native Labourers on the Mines.

In my last Departmental report dated the 3rd March, 1903, I mentioned the fact that at my instigation a representative committee of mine doctors was then sitting to consider the question of accommodation, health and diet amongst natives on the mines with a view to uniformity of treatment.

This Committee presented its report to me on the 6th June, and the Executive Committee of the Chamber of Mines furnished me with a memorandum thereon dated the 3rd September—copies of these documents are submitted as appendices† herewith. Annexure G.

Dr. Irvine and the medical men associated with him carried out this important enquiry with great care and thoroughness, and I record with much pleasure my appreciation of their work.

It will be observed that their practical suggestions at once commended themselves to the Chamber of Mines by whom they have been recommended for adoption, almost in their entirety, to all the mining companies represented in the Chamber.

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* Printed at pages 75 and following of [Cd 1897].
† Printed at pages 387 and following of [Cd 1897].

Pneumonia and scurvy continue to be the principal diseases from which natives suffer during their employment on the mines.

No efforts are being spared to reduce the high rate of mortality, which is due principally to pneumonia, and to ascertain the general origin of the scorbutic condition of the native labourers which manifests itself both on their arrival and during the period of their service.

9.—British Central African Native Labourers.*

Upon the occasion of the visit of the Secretary of State for the Colonies to Johannesburg in January last the Chairman of the Chamber of Mines addressed a representation to him seeking facilities for Agents of the Witwatersrand Native Labour Association to visit Tembue, Kavirondo, and the Uganda Protectorate with the object of enquiring into the prospects of procuring native labour for the Mines in those Districts.

Mr. Chamberlain undertook to recommend that the desired facilities should be granted and also that the recruitment of natives be allowed in the British Central African Protectorate subject to such conditions and regulations as might be decided upon.

The negotiations which ensued led to an agreement between the Witwatersrand Native Labour Association and His Majesty's Commissioner for the British Central African Protectorate under which the Association was permitted to engage 1,000 natives as an experiment for service on the mines, upon a 12 months' contract under certain stipulated conditions as to pay, repatriation, &c.

The first batch of 380 natives recruited in accordance with these arrangements arrived in Johannesburg on the 17th June.

Towards the end of that month an unfortunate strike occurred amongst 84 of them, which resulted in their punishment by a few days' imprisonment. They were held by the Magistrate to have violated their agreement which had been fully attested and explained to them by their own Magistrate at the time of recruiting.

A second gang of 343 arrived on the 28th August, and a third numbering 86 on the 18th September.

A total number of 739 have therefore actually been received from British Central Africa out of the 1,000 arranged for.

Every possible precaution was taken by this Department to give the experiment a fair test. The men have worked on selected mines under the most favourable conditions. They were medically examined by a Government doctor, provisions were made for suitable food, clothing and medical treatment, and the Mining Authorities lent themselves cordially to all suggestions calculated to secure the success of the experiment.

It is premature to express an opinion as to whether the experiment will be found on the whole to be a success. It would appear from the reports which have reached me up to the present time that the results are not encouraging.

10.—Native Compensation Claims for War Losses.

On the 21st July, 1902, it was determined:—

1. That a lump sum should be set apart for such compensation.
2. That in order to arrive at a proper *pro rata* distribution of this sum among the various Natives having suffered losses, the Native Commissioners in Districts, where such Commissioners exist and, where they do not exist, the Resident Magistrates, should receive native claims and estimate to the best of their ability the losses of each individual.
3. That no compensation should be given to natives except for direct losses falling under the following heads:—
   Live stock,
   Grain,
   Seed,
   Agricultural Implements,

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* See also with regard to British Central African Natives [Cd. 1950].

but that it should be competent for the Commissioner for Native Affairs to admit claims for compensation for any other direct loss, if submitted as a special case by the Native Commissioner or Resident Magistrate.

In accordance therewith the Native Commissioners were at once instructed to take up the investigation of these claims. This laborious and complicated task has absorbed a great deal of their time, and has been attended with many difficulties. It was undertaken at a period when the natives were scattered all over the country as a consequence of the war, and during the actual process of their settlement.

Considerable progress had nevertheless been accomplished by the end of June, but the final assessment of the claims and allotment of the fund cannot be completed before June next.

11.—Natives' Military Receipts.

During the course of the war a large number of receipts were issued to natives for stock, grain and other goods requisitioned from them for the use of the Army. Many of the natives in the native refugee camps were in possession of such receipts, and in July, 1902, it was arranged between Colonel Trench, President of the Central Military Compensation Board, and Major de Lotbiniere, Officer in charge of Native Refugees in the Transvaal, that the Native Refugee Department should undertake the work of collecting these receipts from the natives in the camps, getting them passed for payment by the Staff Officers for Receipts, and paying out to natives in cash the amounts to which they were entitled. It was subsequently arranged that this work could not be restricted to the receipts held by Refugee Natives, but that the receipts of all natives in the Transvaal should be likewise dealt with, and, as the Refugee Camps had been broken up and the natives sent back to their homes, the work was undertaken by this Department and is being carried out by the Native Commissioners of the different districts. The task was attended with very great difficulties owing to the fact that many of the natives had handed in their receipts to different Military Authorities without receiving any acknowledgment whereby they could be identified. It was also a difficult matter sometimes to trace the receipts which had been handed in even when the natives held an acknowledgment. The work, however, was carried on simultaneously in the different districts, and when Major de Lotbiniere handed over the management of it to the Secretary for Native Affairs, on 20th January, 1903, receipts had been dealt with as follows:—

	Receipts.	Amount.
Passed for payment	£2,926	£155,549 6 5
Paid to natives	2,369	132,336 0 9
Balance in hand	£557	£23,213 5 8
Since the above date there has been passed for payment	462	27,761 0 8
	£1,019	£50,974 6 4
And paid to natives	£579	30,773 16 11
Leaving a balance still on hand of ...	£440	£20,200 9 5
Total paid to natives	£2,948	£163,109 17 8

The collection of receipts is still going on as well as the tracing of the owners of receipts in the hands of the Military Authorities and the work has taken a much longer time than was expected in consequence of the difficulties already referred to, and to the dilatoriness of the natives, both in bringing in the receipts or acknowledgments which they hold or laying claim to the receipt previously handed in by them, and also in coming back to receive payment after their receipts have been passed. It is expected, however, that the whole work will be finished in a few months.

12.—Native Tax.

The first collection of the general Native Tax provided for under Ordinance No. 20 was commenced on the 1st April this year.

The Chiefs had previously been instructed to prepare all the natives for the payment of the tax.

It was anticipated that a certain amount of difficulty might possibly be encountered in the collection of this tax, which had never been systematically undertaken before, and which was started at a time when the natives were still considerably unsettled by the effects of the war.

Any apprehensions which existed were very soon dispelled by the remarkably good spirit evinced by the natives in every district of the Colony, and by the prompt manner in which they paid up the tax.

This will be recognised by the fact that no less than £271,503 had been actually brought to account in the three months of the financial year which ended on the 30th June.

In a few instances only was it necessary to impose any fines for the evasion of payment.

The Native Commissioners deserve credit for the prudent and satisfactory manner in which they accomplished this task.

13.—Education.

The following system has been adopted by the Educational Department in the matter of Native Education:—

The assistance given by the Government in the education of the native races in the Transvaal Colony shall partly be granted through the channel of the various religious bodies engaged in missionary work, and any religious body of standing approved by the Government of the Transvaal that may be desirous of assisting in the education of the native races in the said Colony shall receive through their duly authorised representatives, grants from the funds assigned by the Government in aid of such education on the conditions specified hereafter.

The object of this annual grant shall be:—

1. To give instructions in the ordinary mission schools in the elements of speaking, reading, writing the English language, and in simple arithmetic, and in other elementary subjects up to a stage corresponding to Standard III.
2. To encourage the combination of Manual Training for both sexes with the ordinary school instruction.
3. To assist in the training of native teachers on the lines of a syllabus hereafter specified.

Each Native Mission School seeking financial aid from Government must be specifically under the superintendence of a white Missionary (as specified in s. 1) or other European person recognised by Government as competent to exercise an efficient control, who shall act as the correspondent with the Government in all matters relating to the school, and be responsible for the disbursing of all Government subsidies, for the furnishing to Government of all returns desired and for the keeping of proper accounts for the school, which are to be open for examination at any time by the Government official deputed for that purpose.

All Mission Schools for which Government inspection and subsidy are desired must be registered in terms of the Education Ordinance No. 7 in the books of the Education Department by the responsible representative of each Church or Mission.

Special Registration Forms are prescribed for the purpose. The name of the Superintendent Missionary for each school must be clearly indicated.

The grant of such Mission Schools shall after January 1st, 1904, be paid quarterly through the Missionary Superintendent and shall be based on satisfactory conditions being complied with as regards:—

a. Average attendance.
b. Building and general equipment and sanitary provision.
c. Discipline and organization.
d. Efficiency and instruction
e. Local contribution in fees or otherwise.

In order to avoid the multiplying of small schools and to encourage the development of large schools the minimum quarterly average attendance necessary to entitle to Government aid shall be:—

30 for a *country* school.
60 for a *village* or *town* school.

The school building of any school registered under Clause 5 shall be open, at any time during the hours set apart for secular instruction, for the entrance of the Government Inspector of Schools, whose duty it shall be to classify the pupils present after individual inspection and examination, to report on the state of repair and the general suitability of the building and equipment, including sanitary provision, to examine all registers and accounts, including the statement of local or private contributions for the preceding quarter, to judge of the state of discipline and organization, and of the efficiency of the teachers and of the instruction given, and to report thereon to the Education Department.

In order to provide more systematic and extensive manual instruction, Government may establish at convenient centres schools under Government control for the industrial training of natives who desire such training, and can show proficiency in English and subjects of elementary instruction up to Standard III.

With a view to providing an efficient class of native teachers for mission schools, Government shall prescribe a course of training according to a syllabus which shall provide for:—

a. Instruction in English and other elementary subjects up to a stage corresponding to Standard VI.
b. Instruction sufficient to enable them to teach at least one industrial subject;
c. Professional training;

and shall issue certificates of competency to those who shall pass successfully the examinations prescribed.

Aid may be given for the training of native teachers to such training institutions as conform to the Government Syllabus and satisfy the Government Inspector.

14.—Food Supply.

The continued drought and difficulty of obtaining oxen and ploughs resulted in a small output of grain, and the supply of food fell considerably below the demand. The natives consequently suffered from a certain amount of want, but there was no occasion for the Government to come to their assistance, as arrangements had been made by the Department under which local traders undertook to meet the scarcity by importing and supplying mealies to the natives on reasonable terms. There was no apparent want of money wherewith to purchase food stuff, but a difficulty in circulating it owing to lack of transport.

One of the reasons for the poverty of the kafir corn and mealie crops is stated to be that the same seed has been used without change for a considerable period of time.

In reply to a communication bringing this matter to his notice, the Director of Agriculture remarked that, "It is a well-known fact that frequent changes of seed are beneficial, and if the same stock is used in a district year after year it is almost certain to become seriously deteriorated, for the yield will decrease, the grain will be of poorer quality, and the plant itself will be feeble and liable to disease."

It is therefore proposed to make arrangements with the Agricultural Department for the importation of a limited quantity of fresh grain to be planted next year. The natives are ready to purchase the seed at cost price on delivery.

15.—*Census of* Population.

The natives have been informed that it is the intention of the Government to take a complete census of the whole inhabitants of British South Africa in April, 1904.

In the meanwhile a provisional enumeration of the native population has been carried out during the general tax collection, with the result shown in the return which forms Appendix No. 5* herewith.

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* Not reprinted.

It was found that there were approximately known to be:—

144,146 men—24 per cent.
156,272 women—26 per cent.
305,248 children—50 per cent.

605,666

It is possible that this estimate may prove to be below the actual population. A certain number of men liable to pay taxes were absent during the collection, which took place from April to June. The absentees and their families were estimated to account for another 15,000.

From all reports, however, the entire native population, exclusive of foreign natives engaged in labour, is not likely to exceed 650,000.

16.—Labour Agent and Compound Overseer Regulations.

Previous to the British occupation no Government regulations existed in the Transvaal regarding the recruiting of native labourers. It was the common practice to obtain them in any way or by any means. The large financial houses could, separately or in conjunction, employ their own recruiters either for individual mines or for the group as a whole. Smaller employers, such as contractors, often relied on their personal influence with certain tribes to provide them with the required labour, and supplemented this supply by any means they could.

It was thus open to anyone who could obtain from an agent or any other source the promise of a batch of natives either in the Transvaal or in the neighbouring territories, to go round to the mines or other employers and offer lots at so much per head.

This led to many abuses, as, in order to recruit a large gang, unscrupulous agents were not averse to making promises regarding pay and work which could never be fulfilled.

Again, on their way to the Witwatersrand, whole gangs of natives were often stolen from their conductors and sold to the first convenient employer, the agent being unable to get any return for his expenditure in recruiting expenses and railway fares. An occurrence of this kind gave the native no chance of redress. He was recruited by one man, of whom he probably knew little, engaged by another of whom he knew less, and there was no responsible person within his reach on whom he had a claim for the fulfilment of the pledges originally made.

A further abuse was the great traffic which existed in enticing natives from the compound of one mine and selling them to another employer, thus encouraging desertion.

The Proclamation providing for the employment of labour agents and compound overseers, under licence only, and subject to regulations, was published in the *Government Gazette* on December 11th, 1901, and came into operation on January 1st, 1902.

Labour Agents.

The following are two of the principal points of the Regulations:—

a. Small employers of labour are allowed to engage a few natives for their own *bonâ fide* service, otherwise no recruiting is permitted without a licence.

b. Labour agents must recruit for definite employers only.

As a consequence, natives before they are recruited must be fully informed where and for whom they are engaging themselves to work, and if any false promises are made to them there is a person directly responsible for their engagement, *i.e.*, the licensed labour agent, against whom proceedings may be instituted.

During the period under review 187 licences were issued to 161 labour agents, 26 of the licences being renewals of some previously granted.

1.—Analysis of the Employers:—

Government Departments (Royal Engineers, Central South African Railways, Public Works, &c.)	30	Labour Agents.
Witwatersrand Native Labour Association	67	,, ,,
Other Gold Mining and Diamond Companies	17	,, ,,
Collieries	5	,, ,,
Contractors	31	,, ,,
Other Employers	11	,, ,,
Total	161	,, ,,

2.—Analysis of the Chief Recruiting Districts:—

Northern Division, Transvaal	57	,, ,,
North-Western Division, Transvaal	9	,, ,,
Eastern Division, Transvaal	28	,, ,,
Central Division, Transvaal	7	,, ,,
Western Division, Transvaal	17	,, ,,
Swaziland	12	,, ,,
Orange River Colony, conducting	3	,, ,,
Cape Colony, conducting	11	,, ,,
Basutoland, conducting	12	,, ,,
East Coast, conducting	5	,, ,,
Total	161	,, ,,

During the year four licences were withdrawn at the request of the employers of the respective agents for unsatisfactory conduct, and two were cancelled by the Commissioner for Native Affairs for breach of the regulations.

In three instances proceedings have been instituted against persons for recruiting natives without being provided with a licence authorising them to do so, and in each of these convictions were obtained.

The regulations appear to have attained the object with which they were framed. No obstacles have been thrown in the way of legitimate recruiting, while, by the system of licences, the Native Commissioners of the various divisions have been assisted in exercising supervision over the operations in their respective districts. The interests, both of the labour agent and of the natives, have been safeguarded, each party being bound to carry out the contract mutually made, and confirmed before an official of the Department.

Owing to the scarcity of native labour a cry was raised in some quarters for "free recruiting." This was simply due to a misconception of the facts. The cost of a licence spread over even a small number of native labourers is infinitesimal. Recruiting is practically free to any one who has *bonâ fide* employment for natives, but what is not free to anyone is the old practice of engaging as many natives as possible on speculation, and then selling their services to the highest bidder. Such proceedings have been entirely and rightly forbidden.

Compound Overseers.

During the same period 245 licences, including renewals, have been issued to the Overseers in charge of the native labourers in the various compounds. Altogether 126 overseers have been licensed, the total number of companies or employers being 98.

Analysis of Employers:

Gold Mining Companies	78
Collieries	8
Central South African Railways	1
Other Employers	11
	98

The Overseers are held responsible for the proper treatment of the natives under their charge, and are under the supervision of the Inspectors. Of the 28 whose licences have expired many were employed temporarily until the former employees returned to the Rand after the war.

17.—Letters of Exemption.

A proclamation was issued in December, 1901, providing for the exemption from the Pass Law and other laws of certain natives, chiefly ordained Ministers and those holding high educational certificates, who had proved themselves to have attained a certain standard of civilization.

Up to June 30th, 1903, 307 natives had applied for this privilege, most of them on insufficient grounds. 45 letters of exemption have been granted.

18.—Registration Certificates.

An Ordinance was passed on the 1st October, 1902, to relieve from the operation of the Pass Laws certain respectable and deserving natives who did not possess the necessary qualifications to entitle them to letters of exemption under the Exemption Proclamation of 1901.

Certificates of Registration were issued under this Ordinance to a large number of natives engaged as skilled artisans, mechanics, tradesmen, and Catechists.

The case of coloured persons, not being natives, who were liable to inconvenience by reason of the doubt as to whether they came within the provisions of the Pass Laws or not was met by a Government Notice, dated October 15th, 1902, which provided that such persons could, if they so desired, apply for special registration. Of this privilege great advantage was taken, 613 certificates having been issued in the eight months; 35 duplicates have also been issued.

19.—Deposit and Remittance Agency.

Before the outbreak of the war separate agencies had been maintained in Johannesburg by the Governments of the Cape Colony, Natal and Basutoland for the purpose of enabling native labourers on the Witwatersrand Gold Fields to remit money to relatives and families at their kraals.

As it was found that the natives had appreciated and largely availed themselves of the advantages of these offices, the Governments in the several territories of British South Africa were informed that this administration was prepared to establish a general Deposit and Remittance Agency under the Native Affairs Department in the common interest of all concerned.

This proposal met with ready approval, and an agency was accordingly opened on the 1st August, 1902.

Branch offices were established at Pretoria in January, 1903, and at Germiston in April, 1903.

The homes of a large class of the natives employed in the Transvaal, viz., those who belong to purely native territories, are not within reach of ordinary postal communication, and the advantage offered by the agency as a means of transmitting money to such places and of enabling native labourers to hear from their homes there, are being readily recognised.

During the tax collection a large amount of money was remitted through this channel by natives for the purpose of paying their taxes, and the agency has been of great assistance to those desirous of sending money to their homes for the purpose of purchasing food supplies, the crops having failed in many districts.

The agency is largely made use of also as a means of tracing and communicating with natives who are required at their homes, either because their people are destitute or in need of some one to take charge of the kraal.

The larger compounds and principal centres of labour are visited periodically by officers of the agency, with the object of placing every facility for banking money

or sending it home within reach of the natives employed there, many of whom are found to experience some difficulty in obtaining permission to attend at the office of the agency in person.

The transactions in connection with the banking of native earnings for safe-keeping locally continue to increase in volume from month to month.

A fee of half-a-crown is charged on each remittance forwarded for a native, irrespective of the amount.

Statements* are sub-joined showing :—

a. Remittances to the several territories in South Africa during the year ended 30th June, 1903. Appendices 14, 15 and 16.

b. Deposits, withdrawals, and balances for the same period; the transactions of the natives from the different territories being shown separately.

c. The fees collected on remittances to the 30th June, 1903.

20.—Administration of Estates of Deceased Natives.

This matter comes within the purview of the Native Affairs Department only in relation to the intestate estates of natives who have not during their life-time contracted a lawful marriage, or who, being unmarried are not the offspring of parents lawfully married.

A distinction is drawn between natives, the parties to a lawful marriage contracted in this or any other Colony in South Africa, or the issue of such marriage, and those united merely under native custom or born of such union.

The estates of the former are administered by the Master of the Supreme Court under the ordinary law of the Colony, Transvaal Proclamation, No. 28 of 1902, while those of the latter class are administered and distributed by this Department in accordance with the customs and usages of the tribe or people to whom the deceased belonged.

The majority of cases dealt with are those of native labourers who die while in service on the Witwatersrand, or in such towns as Pretoria and Potchefstroom.

The efforts of this Department are directed towards the tracing of the deceased natives' next-of-kin, who, if found, are given information of the death; any money belonging to the estate being paid to the heir according to native law.

In cases of natives from the Cape Colony, Natal, Transvaal and Basutoland, it is found possible to trace the relatives and make payment of monies through the Government officers of the district in which the deceased ordinarily resided, and the satisfactory administration of many native estates has been due to the invaluable assistance of the officers referred to.

It is more difficult, however, to deal similarly with the estates of natives from Portuguese territory, as the means of identification through official sources are not always available. The custom in such cases has been for the Compound Manager of the Mining Company to pay out any money due to the deceased to his nearest relative on the spot, and in the absence of any better way of administration, this has been allowed to continue.

From the 1st July, 1902, to the 30th June, 1903, small sums amounting in the aggregate to £1,684 5s. 3d. were received into the Native Estates Account, while the payments to relatives of deceased natives amounted to £1,112 4s. 10d.

Apart from these amounts there was on the 30th June, 1902, a sum of £637 3s. 10d. in the Native Estates Account, belonging to a number of Estates in which the next-of-kin could not be traced. The funds in these estates were received principally from the military authorities during the war, and in due course will, if not claimed, be transferred to the Master of the Supreme Court for disposal as derelict estates.

* Not reprinted.

21.—Marriages.

The only form of native marriage recognised as legal in the Transvaal is that contracted in accordance with the provisions of Law No. 3 of 1897.

Duplicate original registers of marriages solemnised unler this law are forwarded at the close of every month to the Native Affairs Department for record. A fee of £3 is payable on the solemnization of each marriage.

For the purpose of unifying the procedure in the solemnisation and registration of native marriages a series of instructions have been issued for the guidance of marriage officers.

Copies of the Law No. 3 of 1897 have been distributed to all Clergymen and Ministers of religion who are Marriage Officers under Article 6 of the Law.

Appendix No. 17. A statement* showing the number of marriages solemnised during the year ender 30th June, 1903, is appended.

An Ordinance, No. 29, was passed last session providing for the Legalisation of Marriages between coloured people before the operation of Law No. 3 of 1897.

That Law has been found to operate very hardly and it is proposed to ask the Legislative Council to amend it upon the lines of the Cape Marriage Law.

22.—Official Examinations.

The advantage of passing the Law Examination has been strongly impressed upon all Officers of this Department with a view to their qualifying for appointments in the Civil Service in which a knowledge of law is indispensable.

Every encouragement is also being afforded them in the study of native languages, the knowledge of which is a *sine qua non* to their ultimate appointment to the permanent establishment and eligibility for pension.

It is intended that every Officer of the Department shall be required to pass an examination in Dutch or in one or other of the native dialects.

All officers are also required to pass a medical examination.

23.—Game.

Soon after the conclusion of the war the Administration of the Sabi Game Reserve was entrusted to this Department.

Under the late Government a Law had been passed in 1894 to provide for the general preservation of game, and by a Proclamation dated the 26th March, 1898, a Reserve was defined within which hunting and shooting without a permit was strictly prohibited between the Crocodile and Sabi rivers.

For the purpose of exercising an effective supervision over this area, Major Hamilton was appointed as a Government Warden with authority to employ such European rangers and Native Police as were required to prevent contraventions of the Law.

An interim notice was published informing the general public of the existence of the Reserve, and warning them of the penalties for any unlawful trespassing within its boundaries.

On the 16th October, 1902, an Ordinance was passed repealing the Law of 1894, and making other provisions for the protection of Game.

Appendix No. 18. Under this Ordinance the triangular area lying between the Sabi and Crocodile rivers was reproclaimed as a Reserve by Proclamation dated the 28th August, 1903, which at the same time provided for an extension of its boundaries on the west of the Zand River and to the north as far as the Oliphants River. A map† of this area, which is known as the Sabi Reserve, is appended.

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* Not reprinted.

† Not reproduced.

A further Reserve, situated in the Piet Retief District, between the southern border of Swaziland, the Zululand border and the Pongola River, which had been proclaimed on the 12th June, 1893, as a Reserve, was re-proclaimed as such on the 26th May, 1903. As in the case of the Sabi Reserve, the area was extended by the inclusion of three or four farms to the west.

This Reserve, of which a map* is appended, is under the supervision of Major Fraser, assisted by a few Native Police. Appendix No. 19.

A third Reserve, known as the Singwitsi, was established by Proclamation of the Governor, dated the 29th May, 1903, embracing the district between the Portuguese border in the east, the Letaba River on the south, the Parfuri River on the west and the Limpopo on the north. Appendix No. 18.

It is proposed to place a European ranger in charge of this area with a sufficient number of Native Police under him.

It will thus be seen that, with the exception of a narrow belt lying between the Letaba and Oliphants Rivers, the whole of that strip of country, about 50 miles in width, running along and parallel to the Portuguese border from the Limpopo to the Crocodile Rivers, is under strict preservation.

By Ordinance No. 3 of 1903, the Lieutenant-Governor is empowered to make rules and regulations for :—

(*a*) The protection and preservation of game within any reserve established under Section 20 of the Game Preservation Ordinance, 1902.
(*b*) The appointment of wardens and rangers for any such reserve.
(*c*) The regulation of traffic through any such reserve.
(*d*) Generally the proper carryingout of the objects of the said Ordinance.

Reports† by the Government Warden are submitted. Annexures H and I.

Considerable interest has been taken in the preservation of game by numerous individuals throughout the Colony, and particularly by the Transvaal Game Protection Association and by the Transvaal Land-Owners' Association, to whom the Department is much indebted for the cordial assistance which they have rendered and for their active co-operation in all the measures which have been adopted to protect what remains of the South African fauna in this Colony.

Reports are enclosed by the Chief Labour Inspector and the Controller of Passports detailing the work carried out by them in connection with the inspection and Pass Branches of the Department throughout the Witwatersrand area. Annexures J and K.

Statistical Returns† are also submitted as enumerated in Schedule II., from numbers 20 to 45 inclusive. Appendices 20 to 45.

I desire, in conclusion, to record my high appreciation of the satisfactory manner in which all the responsible Officers of the Department have carried out the various duties entrusted to them.

GODFREY LAGDEN,
Commissioner for Native Affairs.

Johannesburg, February 15, 1904.

Annexure "A."

NATIVE COMMISSIONERS ANNUAL REPORTS.

Northern Division.

The area of the Zoutpansberg District is about 25,654 square miles with an estimated native population of 201,539 souls.

Of these there would appear to be three practically distinct native people, viz., the Basuto (Bapedi), Bavenda and Tshangaana (Magwamba or Bathonga). Each speaks its own dialect; the Sesuto tongue being fairly generally understood by all;

* Not reproduced. † Appendix 36 only is reprinted.

the Sevenda is somewhat similar to the Sesuto, whilst that of the Tshangaana is not fluently spoken or understood by either of the two former.

Of the tribes spoken of above, the Basuto would appear to have lived the longest in the district; the Bavenda are said to have come down from beyond the Zambesi, and the Tshangaana are immigrants from the Gaza people whose history is well known.

The district may be divided into two varieties of country, the high veldt and the low veldt. The high veldt runs practically through the middle of the district, falling away into the low veldt on every side. It cannot be called a well watered district; along the three principal mountain ranges which traverse the district, viz., the Drakensberg (with its offshoot the Woodbush Range), the Zoutpansberg, and Blaauwberg, there is good water, and there are rivers such as the Olifants, Limpopo, Letaba, Magalekweni, Limvibu, &c., but with all these rivers there are stretches of land where no water exists at all. It is on this account that so much wilderness and totally uninhabited country is to be found. This is generally dry, rocky, and covered with mimosa and mapani timber.

In the winter months the district is extremely healthy, whilst in summer malarial fever is very prevalent in the low-lying parts. Horse sickness is notoriously bad, which practically precludes the keeping, in many places, of these animals except where the greatest care is exercised.

Viewed from the agricultural point of view the district is a good one. Crops of most kinds can be raised, and both tropical fruits and those of a temperate climate can be found growing and succeeding well alongside each other in many parts. Mealies and tobacco would seem the most popular crops cultivated at present.

Minerals of various kinds exist in the district, but owing to the many difficulties the prospects have been undeveloped. The situation of most of these is a considerable distance from the railway, transport is a great difficulty and fever at times may be said to have been the chief drawback to sound work being commenced.

The estimated area of defined native locations is 739 square miles approximately; of this some 33 square miles must be looked upon as a doubtful asset for the reason that though private farms were expropriated for location purposes, no payment has up to the present been made.

Most of these locations are well selected and suitable, but in some cases are dry and consequently represent less arable land than would appear from reference to the map.

Information has been collected and forwarded to the Government with a view to locating such tribes who have not had locations assigned to them, and who, from a political point of view, should have land reserved for them.

Political Aspect.

The natives emerged from the war in a state of restlessness and unnatural excitement, with the idea that the object of the war had been to return to them their old lands, and that the white owners had been expelled for ever from their farms and habitations. They had become imbued with the idea that the country was now theirs to do as they willed with, and, in fact, that we had engaged in the war in order to win it for them. Wherever they got these ideas from they received a rude awakening. They found the country was not theirs; that we had not fought to give it to them, and, most of all, that the owners went back and still owned the farms the natives now imagined to be theirs. All this naturally took time to sink into their minds. Numerous cases arose where natives had moved on to temporarily abandoned farms with their kraals and gardens, thinking the owners would not again return. All these had either to be removed or placed on distinct understandings with the landlords, and in the course of a few months troubles of this nature practically ceased.

Following on this came the Disarmament Act. This at first the natives did not quite understand, and, whilst obeying it throughout the district, could not entirely conceal a feeling of resentment in parting with their much prized arms.

Then came almost immediately afterwards the Native Tax Ordinance. This was nothing new in itself, except that the Act was at once put into thorough motion, and many were made to pay who had for years past been able to evade their taxes. On the whole the tax was well paid, and few prosecutions were found necessary.

The Game, Pass and other Ordinances affecting natives were at once applied to them, and after a very short space of time they saw things reasonably, and fell back once more into their normal state of living, which was clearly made manifest by the readiness with which the Arms were surrendered, both Tax and Dog Tax paid, and compliance without demur of subsequent orders and instructions.

The system of Government of the native is tribal throughout the District. The people still adhere to their chiefs and old traditions, and in the absence of any other system it is difficult to see how the people would be otherwise properly managed. The Basuto and Bavenda adhere strenuously to the tribal system, whilst the Bathonga have the same system on a somewhat smaller scale. In place of large chiefs they have Indunas who correspond in a measure to chiefs. Kraal and tribal influence rules most domestic matters, and recourse is only had to our Courts when their own people have failed to satisfy the disputants.

Politically the native population of the district can be said to be satisfactory. They are very conservative and slow to change their ideas. No general change can be said to have come over the natives during the year. There has been a total absence of faction fighting, and the population has been quiet and well behaved.

An Association was formed under the style of the Zoutspansberg Native Vigilance Association, by some four or five hundred mostly educated natives, but little or no movement has resulted so far beyond starting a native paper, known as "Lehlo," the first publication of which is to come out with the New Year.

Progress in Civilization.

No perceptible change can yet be said to have come over the people. They live much in the same way as they did years ago, are very conservative, and slow to change their ideas. Some have acquired ploughs, farm implements and wagons, &c. Most of the male natives now wear some sort of European clothing, and many of the chiefs dress well. The cultivation of their fields continues the same year after year. They take all that is to be got out of the land by surface scratching, and do nothing to restore fertility of the soil by rotation of crops or manuring. They certainly have taken more to using ploughs, and in fact where they possess oxen one invariably finds the plough and wagon in use. Only small irrigation has been done by the natives.

A fair number of natives in the district have adopted Christianity, and are being taught at the various missions situated at the largest and most convenient native centres. The success of the missionary enterprise cannot be denied, for one sees at a glance the great difference in the superior buildings and general surroundings of mission natives when placed alongside their heathen brethren. The former build good substantial houses in some order in villages, and thus conserve their ground and utilize what remains in the cultivation of their crops and for grazing stock. From a literary point of view, great improvement is to be found in the number of children attending school at the different missions, and the number of natives capable of writing and reading in various degrees of efficiency. This at once leads to their requirements becoming more than those of the raw natives. They take to European clothing, and buy other articles that their heathen brethren do without. The fairly universal opinion that the Christian Native becomes a bad character, lazy and useless, is, I think, unreasonably expressed; he is at the particular moment undergoing a very great evolution, which necessarily must be gradual in its effects, and can only be realised as years go on.

It is my firm conviction that the only way to solve the native problem will be firstly by education; however primitive the education is, it takes the native mind away from his native ideas, which up to then are the only natural ones he could have; it leads him to throw away many of his own ways; he marries under Christian rites, and in that way alone renders a serious blow to polygamy, which is one of the main roots of the whole of the native difficulty.

Having got them educated they will more readily see the advantages of a different land tenure the necessity for work and other things that he at present turns his back upon. Up to the present the tuition of the native has been left entirely to the Missionaries. It is only fair and just to them to affirm that they are earnest exponents of progressive ideas, but that they are seriously handicapped by lack of funds: the only local support is that obtainable in good seasons from the members of the native congregation. His superstitious nature is a great barrier to the conversion of the native, and this over and above the fact that he views all modern ideas as detrimental to his much cherished customs and traditions.

His greatest progress towards civilization is, that he is perceptibly taking more to work, and it can be argued that what civilization has come to him has done so through working for the white man and amongst the white men, and the best education he can have is working in places like Johannesburg and Pretoria, where he has the advantage of seeing the white man himself working.

Social and Moral Condition.

Generally speaking the natives abide by their ancient customs in this respect; the moral condition according to the native idea is maintained fairly well. A peculiar feature, unlike other native tribes further south, is that some of the people intermarry to such an extent that the laws of consanguinity are on the verge of being violated; indeed they have been amongst those of "Royal" blood. It might not be out of place to instance the case of Sibenga, the Chief Sibasa's father, who sent his daughter Popi to Ramabulana in marriage. Madala, Popi's offspring, in due course, was married to her uncle Sibasa (Popi's brother). An offspring of this very union, Mawasana, is to-day disputing the inheritance of Sibasa.

The receipt and payment of "Lobolo" in connection with native marriages conducted under their own rites still goes on, but in a promiscuous way. It varies a good deal in different parts of the District; in some the people feel bound in honour to pay the "Lobolo," and do so, whilst in others promises of payment are made, but invariably not carried out. Such claims are precluded from our Courts.

Proportionately only a small number of marriages are contracted under Christian rites. During the period under report only 128 marriages were registered. The remainder must necessarily have been entered into under native rites only, of which the laws take no cognizance. This becomes a somewhat serious question, as practically excepting the small proportion of Christian marriages, no state of marriage exists.

It has been suggested that the only solution of the trouble would be to insist upon every marriage taking place under the Native Marriage Law of 1897.

Witchcraft was practised largely amongst the Tshangaanas. To the doctors it proved a lucrative employment, whilst on the other hand it was the cause of very considerable distress to the people concerned, ending often in driving people away from their families, causing assaults, ill-treatment and general abuse. Stringent measures were taken to suppress this, and we can fairly claim to have reduced it considerably, if we have not quite stamped it out.

The Basuto, whilst having his superstitions, seldom engages in witchcraft. Both the witchcraft of the Tshangaanas and the circumcision of the Basutos must be looked upon as part and parcel of their religion; whilst they have no active shape or form of religion, such things as the circumcision and the secrecy maintained in connection with it cannot be denied as being a form of religion.

Health.

The health of the native population has been good throughout the year, although a certain number died at the beginning of the year from pneumonia and malarial fever.

Syphilis is a disease that has a fairly firm hold on the natives of one or two tribes, particularly that of Malaboch's. This disease is being combatted against with very

great success, but in treating a native for this complaint I am told he is a most unsatisfactory patient, for as soon as visible signs of the disease disappear he leaves off his treatment only to see signs of the complaint re-appear.

This disease is said to be not of long standing in the district. In Malaboch's tribe, which is most affected, it is traced back to the last ten years, before which, it is said, none existed.

Food Supply.

This depends entirely on the rain. Given a fair amount of rain, ample crops are obtainable. The topographical nature of the country is such that one portion of the district will always have a fair supply of grain; thus in wet seasons the low veldt will grow ample mealies, whilst in dry seasons the mountains have to supply the low veldt.

The grain planted is mealies, mabele, anapoko millet; in addition to the grain, pumpkins, sweet potatoes, melons, monkey nuts and bananas are extensively cultivated. There are in addition various kinds of wild fruits used for food, chief amongst which in some parts is the cream of tartar tree. Wild figs and plums abound, and the vegetable ivory palm yields a liquid much appreciated.

As has occurred during the present year, the shortage of food was met very reasonably by local traders and transport riders, who carried grain to all parts of the District where it was wanted, and the keenness of competition had the effect of keeping the price within reasonable limits.

Trade.

Natives do not make capable storekeepers; there is only one holding a licence in this District. They depend for their trade upon local European storekeepers from whom they buy and to whom they sell any produce they may have. The distances some of these stores are away and the difficulties of transport, make their selling prices exorbitant in many cases. In consequence of this natives are to be seen on their return from labour at Johannesburg and elsewhere, carrying huge bundles of merchandise bought for themselves and their friends at home. The thorough mending and repairing of many of the roads, and the change of conditions will tend to put the outlying stores on a better footing.

Important Events.

The most noteworthy events of the year may be taken in the following order:— (1) The establishment of authority in the land after the war in the shape of Government Offices dealing with natives; (2) the Arms and Ammunition Ordinance; and (3) the Tax Ordinance. With the first, order was established at once amongst the natives in the District, many of whom had become unruly on account of the War. The Native Commissioner and five-Sub-Commissioners exercised administration over the people. (2) Touching on the surrender of the arms and ammunition, the Chiefs and Indunas deserve very great thanks, for through their help very little difficulty was experienced. The total number of arms surrendered in the district was 31,066. Since then a few have come to light and the possessors dealt with according to the circumstances; in each case, however, the gun was confiscated. Very few are still out, and any that are will from time to time come to light.

The disarmament has been as complete as the most optimistic could have wished, which tends to show the complete confidence placed by the natives in the Government. The amount of compensation paid out for the surrendered arms amounted to £37,306 15s. 0d.

Taxation.

With the taxation, too, the word of the Government was cheerfully obeyed. The collection commenced on the 1st April, and by the end of June the sum of £84,976 had been collected. The actual amount of native tax collected since the 1st April to date is £123,446. Most of the natives had their money ready to pay when it became due, others only just began to think about going to earn it, which they invariably did, and returned a few months afterwards to hand over the amount of their tax.

Dog tax amounting to £2,523 3s. 0d. has been paid by natives.

Remarks in General.

During the year under report, 20,892 travelling passes and passports were issued in the district. Practically all were to leave the district for the mines and elsewhere. The mines have not received as much labour from here as they might expect, but this is due to the fact that a large proportion of natives belonging to the Tshangaana tribe living in this country seem to have an aversion to going to the mines. This does not preclude them, however, from going to Pretoria and elsewhere for domestic and other service, and this they do in considerable numbers. This will in all probability be their vocation for the future. Most of the natives recruited for the mines are the Basuto and Bavenda tribes.

The past year's crops were below the lowest average yield, and in fact failed entirely in some parts of the district on account of the shortage of the rainfall. To meet this, imported mealies were bought up and sold in the district. The amount of revenue collected and credited to the office during the year amounted to £88,335 18s. 0d., whilst the expenditure for the same period came to £47,102 3s. 2d.

One of the chief heavy items of expenditure is that of native police, but it is money well spent. With their services at our disposal we are able to communicate with all parts of the district at any time. The police watch as they go along and are very useful in checking the native taxes and arresting such as have not paid.

In collecting the tax, Sub-Commissioners visited convenient centres to which all the people within a reasonable radius would come to pay their money. This was considered necessary as it was placing a convenience in the natives' way; gave the Sub-Commissioners a better opportunity of seeing the people in their true light, and deprived the latter of any excuse for not paying when the collector was close at hand to their kraals. That the chiefs liked the collection to take place close to their locations is shown by the manner in which they interested themselves in making the people pay up.

Amongst interesting natural phenomena may be mentioned the Saltpan at the western extremity of the Zoutpansberg Range, from which the district derives its name. The hot sulphurous springs at the Ngelele and a large mountain lake, the Mndudze, which without any visible outlet feeds the Mtele stream miles below. A series of waterfalls in the Msunduzi River close to Sibasa afford a superb spectacle, and fully rewards the venturesome visitor who penetrates so far.

It is interesting to note that the natives regard the Msunduzi as sacred, and the waterfalls the medium of communication with the gods. A family of officiating priests dwell in the neighbourhood, and are the interpreters of the deities.

C. A. Wheelwright,
Native Commissioner, Northern Division.

Pietersburg, January 2, 1904.

Annexure "B."

EASTERN DIVISION.

Political.

I was appointed to the Native Affairs Department of the Transvaal from the Cape Civil Service on the 7th June, 1902, and took up my duties in Lydenburg on the 9th July, 1902.

I assumed duties within five weeks of the Declaration of Peace. At the time the natives were assembled in large numbers in Sekukuniland and Malakuti's location and on private farms where they had gathered for purposes of self protection.

On arrival at Lydenburg, my then headquarters, I at once called a meeting of the native people, giving them the message of the Commissioner for Native Affairs that peace had now been proclaimed, and that officers were being appointed all through the country to take charge of the natives and that these must be obeyed.

One of our first duties was to disarm the natives, who had gathered in one way and another a large quantity of arms and ammunition of all kinds.

The order for general disarmament was issued on the 18th August, 1902. Instructions were at once sent to the Sub-Native Commissioners at Ermelo, Carolina, Barberton, Sabi, and Wakkerstroom to call meetings of natives informing them of the Government Order and the reasons which led to the order being given.

In the districts named successful meetings were held and natives willingly gave up their arms on learning they were to be compensated.

The question of disarming the Bapedi and Mapoch tribes being a much more serious one, I took the matter in hand myself, and held meetings in Middelburg, at Malakuti's and at Sekukuni's. The first meeting was held with Sekukuni's people on the 5th September, 1902. At the meeting I explained to the chiefs and headmen assembled the provisions of Ordinance No. 15 of 1902; that it was a general disarmament of white and black, and that only such as held licences from Government would in future be allowed to have a gun in their possession, and took the greatest pains to make the people understand the provisions of the law. The people asked for an adjournment of 24 hours to allow of their discussing the question with the chiefs and headmen. This I agreed to. Next day I was subjected to a rigid cross-examination upon all the points brought before them. I replied in a straight patient way, laying special stress upon the point that the Government was strong and quite able to protect the people. A further adjournment was asked for, and finally, late in the afternoon, the chiefs and people decided that they would agree to lay down their arms in terms of the Government Order.

From Sekukuni's I proceeded to Malakuti's and held a similar meeting. The same questions were asked over and over again and the same replies given as at Sekukuni's. After an adjournment, which was asked for by the people, and consulting together, they, like Sekukuni's people, decided to give up their arms.

I next turned my attention to Mapoch's people, who are an offshoot of the Matabele tribe, living in the Middelburg district. These having had many fights with the Boers felt very bitter on account of many friends killed. After patient talk and much reasoning these people, too, agreed to obey the order of Government.

That some still have guns there is no doubt, but I feel sure by far the greater majority have surrendered them. Only a few weeks ago a petty chief and his people, who had hidden their weapons, handed them in, fearing consequences of being found out.

Shortly after the bulk of the arms had been surrendered the natives were called upon to return cattle in their possession, either taken from the Boers or paid them by the military in return for services rendered. Some 300 head of cattle were returned and compensation paid.

When the order was issued to return cattle to Boers it was thought that the Boers would return natives their stock which they held; this they positively refused to do, and in consequence the first order was cancelled, and now, if Boer or native wants stock still in the hands of the other, such right must be established in a Court of Law. Many cases of Boer against native have been heard in the various Courts in the Eastern Transvaal, and in every case has the native received strict justice. So far natives have brought no cases against Boers.

A leading feature of our work is to listen to and settle cases between Boer and their native servants and try as far as possible to secure some sort of agreement between master and servant. The farmers now appeal to us in all difficulties with their native tenants.

The natives who gathered in large numbers on private farms as previously stated have now in a great measure returned to their former masters on the farms. Much still remains to be done in this way. Farmers cannot afford to pay the high prices for labour given on the mines and must have native tenants, who in return for ploughing ground, grass, wood, water, and a place to reside on, give part of the year's labour. The arrangement suits both Boer and natives.

I am pleased to say that everyone recognises that the Native Commissioners and Sub-Native Commissioners are in full touch with the natives, and that they understand their work is admitted by all.

Progress in Civilization.

Signs are not wanting that the natives are making progress. More missionaries are now working amongst the natives than a year ago. Better houses are being built, and whereas a year ago the women in the country were naked with the exception of a few pieces of skin, they now have blankets and some good European clothing.

Social and Moral Conditions.

As the country fills up and more missionaries get to work the people improve in their daily life. The process is naturally very slow, but every year sees some little advance.

Health.

Natives as a rule, with their open air life, are healthy, and these in the Transvaal are no exception. So far syphilis has not got a great hold, but unless something is done to isolate such cases as there are it will undoubtedly spread. At present it could be checked, and should undoubtedly be taken in hand without delay.

Food Supply.

There has been a great scarcity of grain this year. The crop last year was quite a failure. At the present time anywhere away from the railway grain is fetching up to £3 a bag of 200 lbs.

Want has driven men and boys out to work in larger numbers than ever before. The women and children have not suffered, as husbands and sons have sent their wages home to buy food, of which the traders are in a position to supply all that is required.

Trade.

The native trade has suffered through the general depression in South Africa. Scarcity of food, too, has prevented natives from buying anything except actual necessaries, though, on the whole, I understand traders are well satisfied. Certainly more stores are being opened, which must show that trade is good. There is keen competition in Lydenburg and Upper Middelburg District for the native's custom, and prices are by no means high.

Important Events.

Two important events I have already stated, namely, disarmament and calling on natives to return cattle acquired during the war.

The visit of the Commissioner of Native Affairs to the Eastern Transvaal was much appreciated by the natives. To hear the big white chief speak, and to have their questions replied to direct was a source of great satisfaction. The Commissioner for Native Affairs, Sir Godfrey Lagden, is particularly well known through long connection with native affairs in South Africa.

Taxation.

The natives have paid their taxes particularly well. I have alone been responsible for the collection of something over £100,000.

The native tax of £2 was well received by the people.

In an experience of native tax collecting of nearly 25 years I have never seen money so readily paid.

E. H. Hogge,
Native Commissioner.

Annexure "C."

CENTRAL DIVISION.

Political Aspect.

The advent of an organised Civil Administration, so soon after the troublesome period of war which had for so long disorganised every factor existing in the Transvaal, was a revelation to the native mind. After watching the struggle, and eventually learning the result, the impression of British might was great, but, when among the first acts of the Government they found that the whole population of the country, white and black, had been disarmed, the impression of respect for the British Government became greater.

The task allotted to the officials of the Native Affairs Department, of settling, arranging, and controlling the vast native population, without exercising judicial powers, except in remote districts, was almost an impossible one. "Use moral influence, and regard yourselves more as political agents and arbitrators than judges," have been our instructions, and the degree of success, with which this policy has been attended in this division may be regarded as satisfactory.

The loyalty of native chiefs and people, throughout the Division, is undoubtedly shown by the ready and satisfactory manner in which all orders from the Government have been carried out, and only in very few instances has difficulty been experienced in dealing with the people, and as time advances the beneficial effect of good Government seems to become more apparent, in so far as the natives are concerned.

There have been many important political questions affecting natives dealt with. After the war the country was naturally in a most unsettled state, both as regards the white and black populations, and, owing no doubt to the successes achieved by the British troops, the natives throughout allied themselves to the stronger side, and were pleased to be, and undoubtedly were, of service to the English, the natural consequence being that, when opportunity offered, many of them suffered at the hands of the Boers, and this caused them to regard the latter as an enemy. The difficulty of impressing upon the native mind that, after the declaration of peace, the conquered race must in every way be treated by the black with the same amount of respect as the conquerors, can only be realised by those who are acquainted with the feelings and customs of the South African aboriginal. The exercise of much tact, and occasional compulsion by resort to legal proceedings, became necessary, as the natives had gained the idea that they would be allowed enormous locations, comprising all the farms in the Transvaal of the conquered Boers. A few months of judicious handling, however, disillusioned the native mind, and at the same time convinced the farmer that no form of despotism would be tolerated. The result is that all reasonable employers of labour in the division find little or no difficulty in managing their labourers.

Taking into consideration the impressions created in the native mind, and the most unsettled state of the various tribes in consequence of the war, it is a matter for congratulation that, at the end of June, 1903, many important measures had been successfully carried out, the natural spirit of enmity between the Boers and the natives had been practically obliterated, there was an almost total absence of serious crime, and a marked improvement in the conduct and respectful bearing of the black man towards the white. I can safely report that the political situation, in so far as natives in this division are concerned, is distinctly promising, and I am convinced that at the present time they will cheerfully obey any orders which the Government may be pleased to issue.

Progress in Civilization.

The most marked instances of the progress of civilization in towns seem to be purely superficial, and there can be no disputing the fact that the wearing of clothes, the smoking of cigarettes, the riding of bicycles, &c., are among the first of the civilised habits which appeal to the native.

Among the Basuto tribes, the tendency to have their children educated is increasing, and this is borne out by the Education Returns submitted from the

various districts in the division; but the Amandebele or Matabele, and all other Bantu tribes, adhere openly to their old savage laws and customs.

It is generally found, throughout the division, that whether natives are civilised Christians or recognised heathens, the custom of "lobolo" or payment of dowry is universally adopted by all.

There are numerous Mission Societies working among the natives, but I cannot say that the latter have been imbued with confidence by the actions of some of the representatives of these societies in the past, and a case recently came to my notice where the natives belonging to a certain mission society, who had lived for over 25 years and built houses, churches, and schools upon certain lands which they considered belonged to the Society, were ordered to pay £12 10s. 0d. per annum per family as rent, or to leave the ground. Upon enquiry, it was found that the land had been disposed of to a Company, no provision being made for the 72 native families who had for so many years regarded their missionary as their adviser. The unfortunate people, being helpless, decided to accept the notice, and although the society has promised to use every effort to obtain ground for them, they are compelled in the meantime to erect temporary residences wherever they can get ground.

The use of more improved agricultural implements is very general in this division; and, owing to the fact that the natives are in affluent circumstances, it is not an uncommon thing to find white men doing their ploughing or reaping, and receiving payment for their labour.

The most useful mode of civilization with which the native comes into contact is his apprenticeship to a farmer. He is there taught all the uses of agriculture and at the same time utilised as a house servant, a groom, dairyman, &c., and boys who have served a certain number of years as labourers on farms are invariably the most useful servants when they grow up.

The contact of natives with the various nondescript classes of white men during the war, has had the effect of bringing them under the influence of most of what may be termed the lowest habits of the European races, without the counteracting good influence of their better habits, and, in consequence, we have to thank such evil influence for a considerable amount of the ill effect which civilization in the native shows at the present time.

Social and Moral Conditions.

The relations existing between the members of the various tribes throughout the division are of a friendly nature, and, though small matters of dispute have arisen, they have been satisfactorily settled, and, during the period for which this report is written, no cases of faction fighting and tribal or boundary disputes have come up for consideration.

The marked friendship between the Basuto and Matebele tribes is noteworthy, the latter having adopted certain Basuto customs, and it will almost invariably be found that the Matebele speak Sesuto, but seldom is a Basuto found who will condescend to speak Sindebele.

The moral condition of the natives, sexually, here is deplorable, especially among the Basuto tribes; and, as the Matebele are adopting many of their customs, the spreading of immorality will probably extend to them, and it seems an undeniable fact that contact with civilization, in large centres, in no way lessens, but increases the amount of immorality amongst the natives. In other respects the moral character of the natives may be said to be strong, as the absence of such crimes as theft, &c., will prove.

Advantage has been taken of the appointment of Marriage Officers, as the number of native marriages legally solemnised will show, but, though these marriages take place under Law 3 of 1897, in most instances the native custom of payment of "lobolo," or dowry, by the bridegroom, is observed.

Health.

The period under report has been exceptionally healthy, and, though in the northern, north-eastern, and western confines of the division the country is considered unhealthy, very few deaths occurred, and the absence of malarial fever can only be attributed to the small amount of rain which fell during the summer.

Several cases of leprosy exist, especially in the location under Chief Solomon Makapan. The patients have been isolated, pending the completion of suitable accommodation which is being provided at the Leper Asylum, Pretoria. Other cases have been admitted to the asylum when practicable and in all known instances in the division, isolation is insisted upon, until the necessary arrangements can be made for removal.

There is a general belief that venereal diseases exist to a considerable extent amongst the natives of the division, especially in the locations; and, though no cases have actually come under notice, from conversation with natives on the subject, this belief has been, to a certain extent, confirmed.

Shortly after the war, numerous cases of the outbreak of scurvy among natives working in the mines and those returning from service in labour districts, were brought to notice, but by the introduction of legislation admitting, under certain restrictions, the brewing and serving as a ration to natives of Kaffir beer in mine compounds, the disease has been greatly reduced.

Food Supply

Owing to the scarcity of rain throughout the country, and to the early advent of frosts, the season's crops were very limited, and in most parts the people did not reap sufficient to supply their own wants. They have therefore been compelled to purchase large quantities of grain from traders and others, and this they have been able to do in consequence of their affluence, brought about by the high rate of wages paid during the war, and the large sums which have been paid out as compensation for war losses; no appeal was therefore made to the Government for assistance.

Trade.

Small trading stations exist in various parts of the division, and these depend to a great extent upon native custom; but, in view of the fact that the large towns are within easy reach of the most important locations the bulk of their purchases are made in the towns, and the success of the country trader depends pricipally upon his popularity with the chiefs and natives with whom he has to deal.

Owing to the meagre harvest, the trade in grain has been limited to its disposal to natives by European traders.

As will be seen from the "Return of Live Stock," very few "greater stock" remain in the possession of natives, and what they have they intend to keep. There has, therefore, been practically no trade in live stock, the only exception being in the case of natives purchasing mules or oxen for their own requirements.

The principal trade wares dealt in have been blankets, clothing, coffee, sugar, agricultural implements, and grain, for during the latter part of the war such articles as blankets, clothing, agricultural implements, &c., were unobtainable, and those in possession of natives were either destroyed or worn out, and as a result the whole country has had to be restocked.

Considerable quantities of grain were sold to natives owing to the unsuccessful season from an agricultural point of view.

Important Events.

The general disarmament of natives in 1902, when 3,864 firearms of various descriptions, and quantities of gunpowder and ball ammunition, were handed in without dissent, and the payment of compensation amounting to £6,249 2s. 6d., may be

considered an important event, which was only rivalled by the successful collection of £36,882 for General Tax, and £2,011 for Dog Tax, up to 30th June, 1903, subsequent collections having considerably augmented these totals.

The establishment of the offices of the Sub-Native Commissioners at Pretoria, Hamans Kraal, and Heidelberg supplied a much felt want. The second named, being resident beyond a radius of 20 miles from the office of a Resident Magistrate, exercises the powers of a Resident Justice of the Peace, and is therefore of great service to the European, as well as to the native, population of the district.

Considerable work has been successfully carried out in connection with the adjustment of native compensation claims, and this duty, though not the most important, may be said to have entailed a greater amount of work than any other which we have been called upon to perform.

The death of the old and warlike native chief, Nyabela ka Mabogo (Mapoch), on the farm Hartebeestfontein, in Pretoria District, where he had been located with a portion of his tribe, after his release by the late Government in July, 1898, from gaol in Pretoria, occurred on the 18th December, 1902, and his son, Fene ka Nyabela, was duly confirmed as his successor to the chieftainship.

Taxation.

The loyal and ready manner in which all tribal natives have paid their taxes has been most gratifying and satisfactory.

General.

Labour.—As will be seen from the Labour Return submitted, a large proportion of the able-bodied natives of the district are employed on farms as agricultural labourers, and from the records kept some 3,879 have received passes to seek work beyond the various districts.

The majority of the natives of Pretoria district find employment within the district, principally in the township of Pretoria, and a considerable number have been engaged, through the medium of this office, for employment in different Government Departments.

Cattle Question.—Much work has been incurred by the Department in dealing with cattle and stock found in possession of natives after the war, which were claimed by Boers. Each individual case became the subject of enquiry, and was either settled satisfactorily by arbitration, or by the claimant being referred to the Law Courts for legal remedy. Numerous instances in which cattle and stock were handed by farmers to natives for safe keeping were dealt with, and where such was clearly proved to be the case, the natives were persuaded to hand back the stock to the legitimate owner.

Much damage was done to stock during the war, not only through confiscation, but also through the ravages of cattle diseases, and very little remains in possession of the natives, but the reports of all Sub-Native Commissioners tend to show that stock throughout the Division is increasing and flourishing.

Revenue and Expenditure.—The amount of revenue collected is shown in the following statement and compares favourably with the expenditure which is also given :—

	£	s.	d.
Total (Revenue)	47,501	11	6
Total (Expenditure)	7,856	7	6

Native Deposit and Remittance Agency.—A branch office of this agency was established under the control of this office on December 8th, 1902, and a sum of £497 10s. 6d. was received and remitted to various parts of South Africa from that date to the 30th June, 1903. During this period the sum of £406 11s 3d. was also deposited by various natives for safe custody. As time goes on this institution becomes more and more popular, and the result is that large sums are deposited and remitted every month.

Departmental.—The work of the division is carried on by a Native Commissioner and three Sub-Native Commissioners, with the necessary clerical and police staff, who are posted at the following stations:—Pretoria, Hamanskraal, and Heidelberg, and, though no record could be kept of a very large proportion of the duty performed, the time of these offices has been very fully occupied in giving effect to the policy of the Government in regard to native affairs.

The work and influence of the native police attached to the Department have been important factors in maintaining peace and good order among the native population. As a channel of communication, and a means of conveying to the chiefs and people their responsibilities and duties, the loyal efforts of this body of Government servants should not be overlooked.

I respectfully beg to place on record the appreciation which is due to the various officers serving under me in the Central Division, whose good services, tactful administration, and the possession of many years' past experience amongst the natives, have gained the confidence and loyalty of the chiefs and people over whom their various duties call them to preside.

Population.

During the collection of general tax for 1903, a complete census of the native population was taken, with the exception of the Witwatersrand area, and for this portion of the division only an approximate estimate has been given.

Ethnological Table.

The return is a complete table of the tribes, chiefs, men, women, and children, in the division, with the exception of the Witwatersrand area, of which only an approximate estimate of the total population has been given.

Labour.

This return is based upon previous calculations. The information as to natives employed on railways was obtained from the Central South African Railways, and the estimate of those in domestic service is governed chiefly by the number of municipal passes issued.

Vital Statistics.

It has been found impossible to keep records of births and deaths, and marriages under native law, but, among natives who have become civilized or Christians, the solemnisation of legal marriages is becoming popular.

Lands occupied by Natives.

The only defined Government location occupied by natives in the division is that known as Sjambokstadt.

The estimated area of land actually occupied by natives on private farms is 186,400 acres.

The area owned by natives is 150,040 acres, and this includes the Hebron and Jericho locations, which really belong to the natives, but about which certain disputes have arisen with mission societies.

The Government farm "Bles," which is situated between the locations of Makapan and Swaartbooi, has always been regarded as a portion of the locations, and has been utilised by the natives as such, and should be therefore included as a portion of the defined location.

Mission Stations.

There are 22 mission stations in the division under various denominations, but the number of natives shown as residing upon the mission stations does not represent

the total of the congregations, as many people living in the locations and on private farms are converts.

Agriculture.

Owing to the drought and frost, the season's crops were meagre, and in consequence the average market prices were considerably higher than usual.

Stock.

Comparatively little stock remains in the possession of natives, but that which they have is thriving and increasing.

Criminal Statistics.

The judicial powers of Native Commissioners and Sub-Native Commissioners being limited, most criminal cases are referred to the Courts of Resident Magistrates. Instances have arisen, however, where it has been deemed advisable to exercise the powers which they do possess.

Civil Cases.

It has been possible, in a great many cases, to settle civil disputes between natives informally, without keeping records, but a few more important cases have been formally adjudicated upon, as the return discloses.

Education.

The figures have been obtained through the courtesy of the heads of various mission societies.

Passes.

The enforcement of the Pass Laws has been one of our most troublesome duties, as a reference to the Criminal Returns will show. Natives are now beginning to respect the Regulations.

Revenue.

Revenue shows a total collection of £47,501 11s. 6d., under the various heads, the bulk of this amount having been received as General Tax.

W. Peachey,
Acting Native Commissioner,
Central Transvaal, Pretoria.

12th January, 1904.

Annexure "D."

WESTERN DIVISION.

Political Aspect.

The political aspect is, generally speaking, most satisfactory.

I found on assuming duty here that the natives showed a tendency to consider themselves on an equality with the Burghers, and were inclined to treat them with disrespect. This is not to be surprised at as the natives had assisted us in operating against the Boers, and our soldiers had treated them as their equals.

Steps were at once taken to rectify matters, and I am pleased to say that the respect due to the Burghers has again been established.

I learn from all quarters that the natives are greatly disappointed at not being made grants of land in consideration of the services they rendered to our troops

during the late war; they fully expected that the farms would be taken from the Boers and given to them. They anticipated the farmers being dispossessed of all title to land.

In spite of these disappointments the people have accepted and are settling down quietly to the new order of things.

Generally speaking the natives in my division are very amenable and law-abiding.

The absence of any serious crime is a feature which is very creditable to them.

Very little interest is evinced by them in their traditions and forms of self-government, and they have practically lost touch of their past history, and in many cases cannot speak their mother tongue, having adopted Dutch instead.

Progress in Civilization.

Steady progress is being made. The bulk of the people profess Christianity, and their desire for education is very marked. European clothing is universally worn. The plough is used instead of the hoe and, where possible, fields are placed under irrigation, and small square houses are now inhabited instead of the primitive grass hut.

Social and Moral Conditions.

The social and moral conditions are indifferent; cases of seduction are frequent, which I regret to say, are thought very lightly of, mainly due, I am of opinion, to cattle marriages being abandoned.

The Chiefs are indifferent and display no concern in the general social conditions of their following, and do not appear to realise the responsibilities their positions owe to the interests and welfare of their people. It has been my endeavour to bring home to them the disgrace and evil of immorality and the necessity for raising and protecting the moral character of their women by inflicting fines of cattle in cases of seduction, and this, if acted upon, will deter many from carrying on their immoral practices with impunity as at present is done.

Polygamy is dying out and heathen marriages are the exception.

Health.

The health of the people, taken on the whole, has been good, although their sanitary arrangements are very primitive. Venereal diseases are prevalent, and cases of scurvy, consumption, leprosy and malarial fever have been reported to me.

There has been no epidemic, and the death rate is, comparatively speaking, small.

Food Supply.

Owing to the prolonged drought which existed, and the consequent failure of the crops, the food supply was very meagre, and at one time it was feared that starvation would set in, but I am pleased to report that this did not happen. Men, women and children went out to work and in earnings were able to purchase flour, &c., from the stores.

Trade.

Considering the depressed condition of the country, trade was fairly good. This may be attributed to the circulation of the money paid out to the natives in adjustment of their military receipts.

Stock of all description is very expensive and scarce. Mealies and Kaffir corn realised from 30s. to 35s. a bag of 200 lbs. weight.

Important Events.

Under this heading must be recorded :—

1. The establishment of the Department and the satisfactory development of our work.
2. The disarmament of the natives which was so satisfactorily accomplished.
3. The collection of Taxes.

Taxation.

All taxes were cheerfully and well paid, the sum of £41,117 was collected in the later six months of the year under report.

General.

Rhodesian Redwater appeared amongst the cattle in the villages of the Chiefs August-Mokhatle and Darius, and the death rate has been heavy. All cases were duly reported to the Resident Magistrate, and the localities were placed under quarantine.

The adjustment of the military receipts given to the natives for stock, &c., commandeered during the war, and claims for compensation for damage of property at the hands of our and the Republican forces, for which no receipts were given has entailed very heavy work; the identification of the parties concerned was difficult and tedious.

The question of the farms owned by the natives is very involved, and in some instances will resolve into litigation. Under the late Government in nine out of ten cases the land purchased by the natives was registered in the name of the Hermansburg Mission Society, and considerable difficulty is now being experienced in getting the properties transferred to the Commissioner for Native Affairs, in trust for the natives, in consequence of some of the missionaries holding that certain portions of the farms in question are their property. This, I am given to understand by the natives, is not the case.

Our relations with other Government Departments are satisfactory, and though our duties may overlap, and do at times, no very serious controversy has arisen.

The Officers of my Department have given me great satisfaction in the execution of their several duties, and the present satisfactory condition of the native affairs is due to the energy and interest they have displayed.

Native Population.

The enumeration of the population of the Western Division was made by the Sub-Native Commissioners, and forms about as complete a census as possible.

In the Potchefstroom District the population is almost all on farms, whereas in the Lichtenburg, Marico and Rustenburg Districts it is in locations with few exceptions.

Ethnology.

Excluding a few aliens, the predominating races in the division are those who speak Sechuana, and consisting of the following sections:—Bakwana, Batlokoa, Bakhatla, Bahurutse, Bamangwate, Bamalete, Baphiring, Batsatsing, Barolong, Bamatau, Bakulubeng, Batloung, Batlako, and Bafokeng. The largest section being the Bakwena, the followers of the Chiefs August-Mokhatle, Jacobus Mamogale, Darius Mohale, and Herman Seloane.

The aliens consist of Matebele, Bakhalahale, Bushmen, Korannas, Hottentots, Griquas, Amaxosa, Damaras, and Maanwa.

Labour.

The demand is very much greater than the supply. The majority of the available labourers seek and find employment in labour districts, and the farmers have to be satisfied with a minimum supply.

The preference for the labour districts is due to the fact that there cash is earned, while on the farms free labour is expected in return for the privilege of residing on the farm.

As will be noted from the Returns the number of passes issued to persons travelling beyond the limits of the district, which practically means persons in search of employment, is most satisfactory, and goes to show that the people are not given to only loafing about their homes from year in to year out, which, I regret to say, is the prevailing opinion of most Europeans.

Vital Statistics.

The birth-rate is good and the death-rate, comparatively speaking, low.

Marriages under Christian rites are increasing; those under heathen rites are now quite the exception.

Lands Occupied by Natives.

With the one or two exceptions all lands occupied by the natives are held in trust for them by Government or some European.

Some lands occupied by natives are the private property of Europeans to whom an annual rental is paid by each male adult settled there.

Other lands occupied are Government Locations, such as Kunana and the Moiloa Reserve.

Mission Stations.

With few exceptions the Mission Stations are established on lands occupied by natives. The Hermansburg Mission Society is by far the most extensively established; the other denominations at work are the Dutch Reformed Church and the Roman Catholic Mission. The English Church is conspicuous by its absence.

Agricultural.

The natives are well advanced in their methods of agriculture, the plough has quite replaced the hoe, and where it is possible to do so irrigation is resorted to. The yield of mealies and Kaffir corn was small, due to the lack of animals for ploughing purposes, and the protracted drought which the country unfortunately experienced.

With favourable weather the agricultural prospects would have been fair, for the soil is most fertile, and it is possible to grow all cereals.

Stock.

The Division was devastated of all stock during the war except in the Marico District along the Bechuanaland border, a part of the country which was not much traversed by either of the opposing forces.

The native, being a lover of stock, has lost no opportunity of purchasing any and the herds are gradually increasing. Should nothing unforeseen happen within the next two or three years, the country will be well re-stocked.

Criminal Statistics.

As most of the Sub-Native Commissioners in the Division live within the twenty-mile radius of a Magistracy very few cases of crime have been adjudicated upon by them.

The absence of any serious crime is quite remarked.

Civil Cases Adjudicated.

Civil cases as a rule are settled out of Court by arbitration. Few are, however, brought to us, and this is in consequence of properly constituted Native Courts being allowed to adjudicate upon matters of a civil nature. Appeals from the Chiefs are made to the Sub-Native Commissioners.

Education.

The education of the natives is entirely in the hands of the Missionaries, and is of a very elementary nature.

Passes.

The number of passes issued to persons proceeding beyond the limits of the districts is, as I have already remarked, highly satisfactory, and the question does not call for further comment.

Revenue.

The only revenue derived during the first nine months of the year under report was from the sale of Pass Stamps. The Native Tax and Dog Tax was not called for until the 1st April.

The collection of the Native Tax was carried out by the Sub-Native Commissioners solely, and the rapidity with which the work was done reflects great credit on them.

The total revenue collected surpassed my expectations, and is in every way most satisfactory.

C. Griffith,
Native Commissioner,
Western Transvaal.

Annexure "E."

NORTH-WESTERN DIVISION.

Political Aspect.

The political aspect is at present in most respects very quiet. Traces of bitter feeling in connection with the late war still exist in parts, but are gradually dying out, and the two white races mutually recognise each other's good qualities. Everything is returning to its normal condition, and I anticipate no trouble in this respect.

Progress in Civilization.

I was not sufficiently acquainted with the condition of the natives in this district before the war to be able to say now very much about their progress in civilization. During the war, as transport riders, &c., the native was brought into close touch with the white man, and thereby acquired a taste for many small luxuries till then unknown to him. The want for these luxuries still remains and as, in order to keep up this higher scale of living, the native finds he must do more work. I certainly think that he is progressing in civilization. The want for better things than he has always been the first upward step made by the savage.

Social and Moral Conditions.

What has been said about his progress in civilisation may also be said to native social conditions. The native has no social conditions as we understand them. The woman is, and always has been looked on as the inferior vessel, but apart from this the husband treats his wife with as much kindness as amongst other races.

The good treatment of the wife, if she is married under native custom, is ensured by the custom of "Lobolo," as, if ill-treated by her husband, she has always a shelter with anyone who holds a portion of the dowry cattle.

As regards native morals they cannot be judged from the same plane as our own.

Speaking generally, his morals are bad from our standpoint, those of the native who has touched civilization being worse than those of his uncivilized brother. The native on first touching civilization invariably seems to lose his own primitive virtues and acquires only civilized vices.

Health.

The health of the natives in this district is not good, as there seems to be a syphilitic taint in their blood.

Food Supply.

During the year the food supply of the whole district may be described as bad, practically all the crops having been ruined by drought.

Trade.

Trade has been very poor, as owing to the lack of crops the natives had not the wherewithal to do much in the way of bartering.

Important Events.

The most important events in the district during the year have been the disarmament of the native population and the introduction of the new native tax. The disarmament went off without a hitch, the natives seeming to realise that it was for their own good. The number of weapons collected in this district was 4,899.

General.

I have very little to say under this heading as practically all my work is included under the previous headings.

On taking up my work the attitude of the native mind in one particular struck me as curious.

They were all under the impression that, as the Boers had been defeated in war, the land now belonged to the native, and it was long before they quite realised that everything remained as before the war, except for the fact that the British ruled the country.

Taxation.

Total, £26,562 14s. 6d.

S. W. J. Scholefield,
Native Commissioner,
North-West Transvaal.

Warmbaths, December 21, 1903.

Annexure "F."

SOUTH-EASTERN DIVISION.

I have to forward you the following report in reply to your circular 101 of 20th ultimo.

Before entering upon this report I wish to draw your attention to the fact that though I was appointed to this division on the 1st July last, owing to my being away on leave it was not till late in August that I arrived here to take charge of what was

practically a new post, there having been no Native Commissioner stationed here prior to that time.

The districts forming this division were up to June last under the control of the Native Commissioner, Eastern Transvaal, who, being so far distant from them was not in a position to give as much attention to them as would otherwise have been the case. Therefore, in my assuming control of this division, I was not able to obtain information and advice from any one who had previously had control thereof, more particularly as at that time the Native Commissioner, Eastern Transvaal, was away on an extended trip with the Commissioner of Native Affairs.

I am, therefore, in compiling this report, entirely dependent on the reports of my District Officers, a fact which, in spite of the reliance I feel can be placed upon all their information, is a serious handicap in compiling a report wherein personal observation would have been of so much use.

I may also state that in one of the districts—Piet Retief—there was no resident official of this Department until subsequent to the period under review, this district being up to the 30th June under the charge of the Sub-Native Commissioner, Wakkerstroom. Wakkerstroom being a large and populous district, made it almost impossible for the officer stationed there to attend to the working of any other but his own.

Political Aspect.

The natives of this country may well be said to welcome the change of Government in this Colony, as, though there was little to find fault with in the laws of the late Republic, in many instances the persons entrusted with putting them into force were deficient in the honesty of purpose and action that is so essentially necessary in dealing with natives.

During the war the natives had in great part been removed from the farms into Refugee Camps, where the old men, women and children were kept, the able-bodied males taking service with the military in various capacities. A certain number remained on the farms, where they, not being under restraint of any kind, got somewhat out of hand. Those, again, who entered military service, their families being in Refugee Camps, were spoilt by high wages paid and contact with soldiers, who, not being aware of the native character, accorded him treatment which is not in the future calculated to engender respect to white people.

There are cases which tend to alter the behaviour of the native, both as regards politics and other ways.

It has been hard work undoing the harm done. Natives have got the idea into their heads that owing to the passing of the Government of this Colony from the Dutch into our hands, their behaviour towards the farmer could undergo a change for the worse, but this is rapidly changing, if it has not already done so.

Information received and observations show that the native welcomes the change of Government as one from which he will invariably obtain justice without prejudice to his colour.

Progress in Civilization.

There is no doubt that the closer contact of the native with the European during the late war has tended to civilise him in many ways. This again has its drawbacks, as natives do not from contact with Europeans only derive advantage which experience has proved as they are more inclined to learn from him what is undesirable. However, I am of opinion that it has tended to civilise by giving him a taste for better food, clothing and education and method of cultivation, and has thus taught him the value of work and money. It must be said that owing to the duration of the war his progress was much retarded in the way of education in school, in which direction nothing could be done during that period. The native will, in spite of many lessons he has learnt, not be able to take advantage of them for some time to come, owing to the change he has undergone as regards his worldly possessions. He has suffered

very much in pocket by the commandeering and seizure of his stock, for which he has, generally speaking, as yet received no compensation.

On the whole there is an improvement in the native as regards civilization.

Social and Moral Conditions.

Not having been acquainted with the natives of this Colony prior to the war, it is difficult for me to say if his moral condition is improving; one can only hope that it is, but reports and observation do not make one sanguine on this point. There is nothing in the native so much affected by contact with whites as his morals, more especially is this the case when the class of white with whom he has been brought in contact is of a low class. Weakness of moral character and morals has a great influence on the social conditions not only of the white, but also of the native.

It is not uncommon for young native girls to run away from home to seek work in towns and villages, thus showing that there is a great lack of control by and respect to their parents. It is difficult to say if this desertion is due to distaste of parental control and desire for independence or to a wish to obtain situations where their lawful earnings can be augmented by money obtained in undesirable ways, or to any other reasons.

The social and moral conditions of the natives of this part of the Colony, though not so bad as those of some parts of South Africa, still leave much to be desired, and I hold that civilization or contact with whites does not improve them. There is no more respectable and refined native than the old men who were brought up at the period prior to the advance and occupation of this country by white men. Though there is no doubt that civilization does improve the native intellectually, it certainly does not either socially, morally, or physically. Natives since their adoption or imitation of the faulty European habits have not improved in physique, the old time savage native was, in my opinion, their superior in this and many other ways, which cannot be claimed to be equally balanced by the advantages which are gained by civilization. Immorality was once a serious crime amongst natives, now it is fast ceasing to be; in fact in some parts of South Africa it is what may almost be called a practice.

With reference to my remark about the desertion of native girls from parental control there is an unanimous opinion prevalent that enforcing of the Pass Laws upon women would prove of great effect in preventing this.

Health.

The health of the natives in this part of the Transvaal is, I should say, decidedly good, owing to the elevation and fine climate. There are spots, such as at the extreme east of both Carolina and Piet Retief districts, which are low lying and very unhealthy, fever being prevalent, particularly during the rainy months. Natives being aware of this do not reside there, or if they do, choose the higher ground and avoid the valleys during the unhealthy seasons. The wearing of European clothes by natives has not improved their health, as they have not in adopting this habit of the whites learnt to exercise care as regards getting wet and changes of temperature. They are, therefore, more inclined to pulmonary complaints than formerly, when they had accustomed themselves to wearing only such covering as was absolutely necessary, and had thereby become hardened.

Food Supply.

The past season cannot be said to have been a good one as regards crops. In some districts it has been fair, in others poor. Even if natives have good crops many of them work on the old saying of "letting the morrow take care of itself," and dispose of their grain at low prices when it is plentiful, only to feel the pinch of starvation later on and long before the next season's crops are ready for use. They may in time learn the folly of this practice, but thrift is such a little known quality with many natives that they are long in grasping the wisdom of setting aside their surplus for a rainy day, or in case of exceptional circumstances. This takes place in spite of advice

from both Government Officers and Chiefs, who point out that what they sell in one part of the year, for a certain sum, they may have to buy back not many months later at several times the amount.

It must not be lost sight of that owing to losses incurred during the war, for which I have already said they have not been compensated, natives have not now the means of cultivating as much as they might were they not thus handicapped. One would think that food obtained by greater effort than formerly would be more carefully husbanded, but this is not so.

It was found necessary by Government to take means to supply natives with grain during the period under review. This was done in some districts by storing grain at certain spots and disposing of it to them at cost price, thus doing away with their having to purchase from traders who sold at figures which naturally enabled them to make a profit.

Trade.

Trade has been fair, natives were enabled to save some of the money earned during the war as they had been in receipt of high wages. Some of this money was used to purchase cattle to replace losses during the war, and the balance was required to maintain their families until the reaping of their crops. They were also assisted in this respect by money earned at labour centres, both before and after the declaration of peace. Until a good harvest year comes round natives will have to spend most of their earnings in purchasing food for their families. This, though a good thing for trade, will not make such an impression on it as when money is more plentiful with them for the purchase of better food, clothing and luxuries, the use and value of which they have learnt to appreciate during the war.

Important Events.

The important events which have affected the natives more or less during the past year are as follows:

Disarmament or surrendering of guns, for which compensation was given.
Calling up and payment of receipts issued by military authorities for stock used during the war.
Receiving and assessing of claims for compensation for stock, &c., taken by both British and Boers during the war.
Fixing and collection of taxation to be paid by natives.
Repatriation of natives.

Taxation.

The taxes which the natives in this Colony are called upon to pay are the personal or hut tax and the dog tax. These taxes have been well paid in this division for the period under review. A certain amount is still outstanding, this is, however, due to the fact that many natives, money earners, are absent at work on mines, railways and other works. This more particularly applies to the district of Piet Retief, which is a recruiting ground for agents in search of native labour, and from which a large number are drawn yearly.

In some instances the money for payment of tax has been advanced to natives by their masters.

General.

A great deal of the time of officers of this Department has been taken up by receiving, assessing and filing of natives' compensation claims.

The tracing of and payment to holders of military receipts was also a work of no small magnitude.

These duties combined with others, more particularly:—Disarmament, collection of taxes, and taking approximate census, issuing passes, hearing complaints, and settling disputes, establishing friendly relations between Dutch and natives, have kept the officers of this Department very busy.

Taking everything into consideration the condition of the natives in this division is satisfactory.

Native Population.

The native population of this division was taken by the various district officers during the tax collection, and is as accurate as any method other than a properly planned out census could possibly be. Each native taxpayer on paying tax was questioned as to the number of his family. A large number of males were absent at work in other parts of the country at the time so that the number of their families could not be ascertained. They are gradually returning, and the figures showing population have accordingly increased since the end of the period now being reported on.

Ethnological Table.

The natives of this part of the Transvaal have, with few exceptions, come in past years from adjoining territories, mostly from Swaziland and Zululand, though there are a few Basuto and members of other tribes who were originally resident in the Transvaal. These people have intermarried, particularly when they are members of tribes with similar language and customs, such as the Zulus and Swazis. Chieftainship is dying out, owing to the natives living on farms and getting out of touch of control with their chiefs. Loyalty to their original chiefs, such as Swazis to Umbandine, and Zulus to Dinizulu or his ancestors, still exists though, as previously stated, this must in time die out. This is, of course, encouraged by the farm owners, who prefer that natives should look up to them as their masters and not be hampered by having to regard the orders of anyone else, with the exception of those who administer the laws affecting them.

Labour.

Owing to the fact that the demand for native labour for agricultural purposes is much in excess of the supply, this division is not a fruitful labour-recruiting ground. Farmers have not enough natives for their own needs, and are much handicapped thereby. Representations on this matter are continually being made to us by them. It is impossible to furnish figures showing the number of natives employed under the various headings on this return, as natives are not as a rule able to say what form of work they take up when they reach the labour centres, and even if they did, would in many instances alter their intention. So much depends on the master and the wages they are to work for.

Land occupied by Natives.

There is in this division only one farm which may be said to be owned by natives. This is No. 410 in the Wakkerstroom district, which was granted to a man named Stuurman and his heirs by the late Government for services rendered, and is so held only so long as they remain loyal and law abiding. It is not possible to state the area occupied by natives in locations or mission stations. The area occupied by each head of a family ranges from about two to, in a few instances, seven, eight, or ten acres.

Stock.

No enumeration of stock has been taken. During the war the natives lost practically all their stock, and have not yet the means wherewith to replace it. Previous to the war natives were rich and possessed a great deal of stock which thrives particularly well. I fear it will be long before they can replace them owing to the high prices, which renders it a difficult matter for a native to save sufficient money to purchase more than a very limited number.

Criminal Statistics.

As all district officers are stationed in the area controlled by the Resident or Assistant Resident Magistrate, all criminal cases are handed over to these officers for trial, so that with the few exceptions entered in the Return which were tried while outside this area, no further figures can be furnished.

Civil Cases Adjudicated.

It is found to be more satisfactory to deal with native civil cases by means of friendly intervention, and thus avoid the payment of fees by natives who are certainly not yet in a position to bear legal expenses. Natives are not encouraged in taking cases to Court and thus render themselves liable to expenses when their disputes can be equally well settled by intervention and advice. This has acted admirably and to the satisfaction of the people.

The 20 cases entered as tried at Wakkerstroom, include a number settled in this manner, other officers have used only these means when dealing with such cases, and have not considered it necessary to render them in their Returns.

Education.

It will be seen that education amongst natives is not very general. The numbers furnished by the Missionaries are very limited indeed. I am of opinion that the movement is as yet only in its infancy. Again, natives living on farms are so much at the call of their masters that they cannot find time to attend schools. The standard of education is so low that Government has, I presume, not found it possible to give any aid. All the existing schools are supported by private funds raised both here and outside the country, and by very small fees contributed by parents.

Revenue.

The collection of dog tax in the Standerton district is in the hands of the South African Constabulary, and is not controlled by the Native Affairs Officer stationed there. This accounts for the absence of any figures for that district under this heading. Marriage fees are not brought to account in revenue returns of this Department, as the amounts paid are represented by stamps purchased by the District Revenue Officers and affixed to the marriage certificate. No marriage fees are shown for Wakkerstroom and Piet Retief as it is only subsequent to the 30th June that the solemnization of native marriages has been taken over by our officers from the officers of the Law Department. This return has, similarly with all the foregoing, been made up from figures supplied by Sub-Native Commissioners, and represents the amount collected and brought to account during the financial year ending June 30th, 1903.

C. Y. Brabant,
Native Commissioner,
South-Eastern Division.

Annexure "J."

Report by Chief Inspector, Johannesburg, for year ending 30th June, 1903.

The Secretary for Native Affairs,

In submitting my report for the year ended 30th June, 1903, I have to record few instances of a striking nature, but have pleasure in bringing under notice a steady and uninterrupted progress, not only towards the betterment of the conditions of life of the native labourer, but also of the consideration with which he is regarded by his European employer, and a tendency to the eradication of the propensity to treat him as a purely working animal.

An intelligent application of the principles essential to human health and happiness has gradually worked a change in the conditions of native life on the mines, the magnitude of which can only be appreciated by a retrospective glance at the condition of things previously prevailing, which, none too good before the war, the long period of hostilities had served to accentuate.

The labour areas are divided into three chief districts each of which is again sub-divided, an Inspector being in charge of each sub-division, the Senior Inspector of each district exercising a general supervision over the whole and where necessary assisting in the adjudication of difficult cases.

The duties of an Inspector are elastic, and, though his powers are restricted to the imposition of a fine of £5 for certain offences committed by natives, he wields considerable authority, through the fact that all compound overseers hold their positions under licences issued by this Department.

In addition to the trial and punishment of native offenders and the hearing of disputes, an Inspector goes into all questions affecting the comfort, health and happiness of natives employed on the mines, affords them opportunities of consulting him or of stating grievances, and also, he transacts a certain portion of the business arising out of the administration of the Pass Law as affecting the mines in his district. I attach particulars* of inspections, showing details. Appendix No. 34.

Accommodation.

Prior to July, 1902, little had been done with regard to the redemption of compounds from the state of dilapidation into which they had fallen during the war. The sanitation had been improved, but was in many instances primitive and unsatisfactory.

The gradual influx of labour and the removal of restrictions to the importation of building material enables the mines to better their compound accommodation.

The condition of compounds and their general appointments have been greatly improved during the year under notice, and although, owing to the crippled financial aspect and continued greatly felt shortage of labour much still remains to be done, one cannot fail to appreciate the efforts of the mining industry to meet the wishes of this Department. New compounds have been built, others renovated, efficient sanitary arrangements have been made, and baths—which at one time were the exception—are now the rule. The re-laying of floors, the introduction of steam cooking in lieu of the old dirty and wasteful method, and a greater attention to cleanliness, have done much to improve the general comfort and appearance of compounds.

The hospital accommodation, which, at the beginning of the year might be classed as generally unsatisfactory, is now distinctly good, and, in the few cases where improvement in that direction is still necessary, the matter is receiving attention. In many cases the plans of the new buildings are already prepared.

In addition to the ordinary mine or compound hospital, it is not unusual for several mines in close proximity to club resources and form a joint hospital, to which all more serious cases are sent, and which is under the control of a qualified matron.

The medical attendance at mines is efficient. Usually the services of a medical man are retained by several mines conveniently situated. This officer usually lives in the vicinity and visits the compounds daily. He thus becomes thoroughly conversant with local conditions. It is regrettable that he is not an independent officer, for, not being a free agent, he is unable to expose causes of disease, which no one is in a better position than he to determine.

Mortality.

The mortality amongst natives employed on mines is a question which has much occupied the attention of this Department.

A Committee of Medical Officers of the Mines was appointed at the instance of the Commissioner for Native Affairs in February last to investigate the causes of mortality and incidence of disease. The records of mortality kept by this Department were placed at the disposal of the Committee, who published their interesting and instructive report early in June. I attach a table* compiled from these records, which was published in this report, and to which the following extracts refer:— Appendix No. 35.

> "From this table it appears that the total death-rate calculated on the basis of "the average number of natives employed per month would, when rendered as "an annual death rate, be 57.7 per 1,000. Curiously enough, it appears that "the death-rate among the natives employed in the Kimberley compounds is "practically identical, namely: 57.2 per 1,000 for the year 1902. . . . .

* Printed at p. 389 of [Cd. 1897].

"If deductions be made for accidents, leaving the death-rate from sickness alone, "the figures are in each case again identical, being 54.5 per 1,000 for the "Rand and 54.8 per 1,000 for the Kimberley compounds."

Appendices Nos. 36, 37, 38, and 39.

I attach a monthly summary* of mortality for the year, and a comparative schedule* showing territorial analysis of labour employed and mortality on mines and works for the period November, 1902, to June, 1903. I also attach a statement* showing causes of death amongst Portuguese natives for the same period. It will be seen that the natives from Portuguese territory and from Swaziland are the only ones showing mortality above the average, and that in the former case almost 50 per cent. of the mortality is due to diseases of the respirative system. I attach a territorial analysis* of mortality.

I attribute the high mortality from pneumonia and similar diseases largely to the failure of raw and inexperienced natives to realise the danger of not taking proper precautions to meet altered climatic conditions. Not a few natives, also, arrive on these fields with scorbutic tendencies, and these are naturally predisposed to disease. Much has been done to protect natives from climatic influences by the provision of proper shelters at ticket offices. The issue of articles of clothing at nominal rates, and, in some instances, the erection of change houses near shaft heads, where hot coffee is dispensed, have also been helpful in this regard.

Diet.

Perhaps few of the conditions of compound life have undergone so marked a change for the better as the food. There is no hard-and-fast scale of dieting, but the following may be regarded as general:—Mealie meal or biscuit-meal porridge without stint, salt, tea or coffee and sugar, two or three pounds of meat stewed with beans, potatoes, and other vegetables, issued bi-weekly, Kaffir beer and lime juice on alternate days. This is frequently augmented by treacle or molasses mixed with porridge, and by the issue of biscuits in the morning and soup.

Steam cooking is gradually becoming universal, its popularity being partly due to its cleanliness, but chiefly owing to its economic advantage over the old system.

Some difficulty was at one time experienced in testing the nutritive value of foodstuffs supplied, particularly mealies, as expert knowledge was essential. This has now been overcome through the co-operation of Dr. Sansom, medical adviser to the Department.

Samples of foodstuffs are now properly analysed if there is any suspicion, and if found defective, the necessary action is taken.

The controlled issue of Kaffir beer, touched on as being part of the dietary of natives, became legalised under Ordinance 32 Administration 1902, as from the 15th November, 1902. A number of compounds at once took out licences, but there was a disposition to hang back pending the experimental issue at certain mines. These experiments justified the issue, which it was found easy to control, and this wholesome fluid is now an important factor in the labourer's diet. It is now regarded as conducive to better health and contentment and its issue is now almost universal.

Discipline.

The general discipline on the mines is good. There have been no serious disturbances or faction fights and though there have been a few strikes these were all in the nature of misunderstandings with regard to terms of contract of service, were of no political importance, and, in almost every instance, were settled by the Inspector of the mine concerned. The strike among the experimental batch of natives from British Central Africa was perhaps the most noteworthy. It will be remembered that it was found necessary to incarcerate 84 of these natives for three days. I am glad to be able to report that the firm justice and subsequent mercy meted out to these natives has had a most beneficial effect from a disciplinary point of view.

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* Not reprinted, except No. 36.

General Treatment.

The general treatment of native labourers on the mines has much improved during the year under notice. For years, under the late Government, the system was in vogue of inflicting summary corporal chastisement where punishment was conceivably due. This principle in a modified form is accepted by almost all compound overseers, and I may say, by almost all persons who come in contact with natives. This being so, some difficulty was at first experienced in securing conformity to the legal procedure as regards punishment. This has now been secured as regards those responsible, but isolated cases of assault still occur, where ignorant miners strike natives for probably no other reason than that the natives are unable to understand orders given in the most elementary form of "Kitchen Kaffir." In such instances the representations of Inspectors have usually culminated in the dismissal of the offender. Much has also been done by inculcating into the minds of compound overseers that they and they only are the persons at whose instance justice should be done to native delinquents.

Compound Overseers.

As will readily appear, the efficient management and control of a compound depends largely on the qualifications of the compound overseer. These gentlemen hold their positions under licences issued by this Department, and abuse of their privileges would entail the cancellation of their licences. It has been said that compound overseers have too much authority. It is absolutely essential that men who are responsible for the control of large numbers of natives should have certain *locus standi*. I may say that all compound overseers are men of experience. If error exists, it is in the circumscribed limits of their discretionary powers. I am pleased to report that generally speaking compound overseers have given every satisfaction.

Desertion.

The total number of desertions for the year was 3,426, while the number of natives actually employed during that period was 103,049, making a percentage of deserters of 3.27, which can, I think, be regarded as satisfactory.

Town Inspection.

A considerable increase in the work of the Town Inspector necessitated the increasing of his staff by an Assistant Inspector and four Native Police, making a total of six. Much good work was done, of which I attach particulars.* The duties of the Town Inspector are chiefly connected with the inspection of natives working for registered employers of over 20 native labourers. The number of natives so registered increased during the year by nearly six thousand. The Town Inspector also acts as a detective on behalf of the Department, and I would bring to notice the very creditable result of this part of his work, whereby revenue to the amount of nearly one thousand pounds accrued to the Government, and a great number of delinquents were brought to justice. Appendix No. 40.

During the latter part of the year it became apparent that there was a certain amount of overlapping of the Inspection and Pass Branches, and it was decided to amalgamate as from the 1st July, 1903. Some alteration in the internal organisation of both Departments was necessary, and this was effected in June. I have no doubt the new organisation will materially increase the efficiency of the whole.

It gives me great pleasure to record the cheerful, loyal, and hearty co-operation and assistance I have received from all Officers, who have throughout the year executed their duties with the tact and firmness one would expect from men of their experience.

H. S. Cooke,
Acting Chief Inspector.

Johannesburg, February, 1904.

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* Not reprinted.

Annexure "K."

Report of Controller of Passports, Johannesburg, for the Year ending 30th June, 1903.

The Secretary for Native Affairs,

There have been no marked administrative changes during the period under notice, but a gradual expansion has occurred to keep pace with the steady influx of labour and the growing requirements of the natives, apart from the ordinary Pass work, which it has been our policy, as far as possible, to satisfy.

The commencement of the year found Pass Offices established at Johannesburg, Boksburg, Germiston, Krugersdorp, Roodepoort, Heidelberg, and Vereeniging. An Office was subsequently opened at Klerksdorp, and, in order to relieve the congestion at the Central Johannesburg Office, two small branches were opened in the suburbs of Jeppestown and Hospital Hill, which have proved a great convenience to the public. Arrangements have now been completed for the opening of a third branch in the City and Suburban Township. This decentralisation of work has enabled me to make the best use of a small staff.

Although, theoretically, the duties of this Branch are exclusively connected with the issue, registration, &c., of passes, a great deal of other work is also done.

At the Chief Office, Johannesburg, there are two sub-departments, viz. :—The Finger Impression Record Department and the Native Deposit and Remittance Agency. Branches of these Departments have now been opened at the more important offices in labour districts. I attach a return* showing some of the more important ordinary Pass work accomplished.

*Appendix No. 41.

Complaints.

Owing to the great number of minor disputes between masters and servants, it was found desirable to make provision for the hearing of native complaints. Experienced officers were detailed for this duty, and a very great number of disagreements as to wages, &c., have been amicably settled by arbitration. Where necessary the interests of the natives have been safeguarded by instituting legal proceedings on their behalf. In many instances the cases were of a trivial nature, and no record was taken. There are, however, 820 recorded cases where settlements have been effected through the instrumentality of this Department.

Labour.

The influx of labour has been steady, though by no means coming up to the optimistic prognostications of many. The net increase for the year is considerable and the requirements for domestic and similar services are now fairly well supplied. The available labour for mining and structural work is, however, far below the demand, the natural result of which is a general stagnation and financial depression.

Wages.

The wages paid to natives in labour areas seem exceedingly high when compared with the remuneration which domestic servants and unskilled labourers receive in Europe, and, with the exception of some of the more important seaports and mining centres, is far in excess of the wage usually paid to natives in other parts of South Africa.

The remuneration of domestic servants and of natives employed by contractors, &c., remained almost unchanged during the year, averaging in the former case from 50s. to 70s. and food, and in the latter slightly more. The ruling wage on the mines prior to January, 1903, was from 30s. to 50s. and food. From the 16th of that month the pre-war schedule was reverted to.

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* Not reprinted.

Illicit Liquor Traffic.

It is gratifying to be able to report that the stringent regulations now in force with regard to the sale of liquor to natives have resulted practically in the extinction of the nefarious trade which prevailed under the late Government. The large profits which accrue from the illicit sale of liquor still induce a low stamp of European to undertake the risk, particularly in purveying to natives employed on mines and in brick-making, but even these are becoming discouraged. Through the courtesy of the Commissioner of Police I have been able to compile a table* showing number of offences under the Liquor Law for the period under notice. The area dealt with under this annexure extends from Springs to Randfontein, which is practically identical with the labour districts, excluding Heidelberg, Vereeniging and Klerksdorp.

*Appendix No. 42.

Relief from Pass Law.

At the beginning of the year it was thought desirable to relieve certain respectable and deserving natives from the operation of the Pass Law, who, though not holding the necessary qualifications for letters of exemption under the Coloured Persons' Exemption Proclamation, carried on the business of skilled artisans, mechanics, &c., on their own behalf. Proclamation 28 of 1902 provided for these people by permitting them to take out certificates of registration on payment of £1, available for one year. From the beginning of November onwards, 764 of these certificates were issued. Natives from Cape Colony, Natal and Zululand, Transvaal and Basutoland, are those who chiefly hold the necessary qualifications.

Desertion.

During the year 3,413 desertions were reported from mines and works, and 2,793 from other employers. Although these figures are considerable, they are in reality a very small fraction of the labour employed during the period, in the former case about 3.2 per cent. and in the latter slightly less. In a great number of cases a native who has been absent without leave has been reported as a deserter, but on his returning to service no notification of the fact has been sent to the Pass Office. Strictly speaking such natives are not deserters, as there was no intention to desert. The alteration of the system, which takes place from 1st July, 1903, which provides that the passport shall be held by the employer and handed in to the Pass Office together with the report of desertion, will check this as the employer must again obtain the passport, which will be tantamount to reporting the return of the native.

With a view to checking desertion it is gratifying to report that, in accordance with representations made by this Department, a number of mines have adopted a system of recording the finger impressions of all natives in their employ, which impressions are sent to the Superintendent, Finger Impression Record Department, on desertion, and are of great value.

Absconding Employers.

I regret to report that during the year there have been several instances where employers, chiefly contractors, have absconded and defrauded natives in their employ of considerable sums of money. In some instances actions instituted by this Department on behalf of the natives have resulted in the recovery of all or part of the amounts claimed.

Revenue.

As would be expected, the increase in the native population, coupled with the growing efficiency of organisation, produced a considerable increase of revenue. £128,846 15s. 6d. was collected during the year, and the average monthly revenue increased from £7,600 to £13,000. The decrease in revenue for June is due to the fact that a great increase of work was thrown on the staff during that month, in

* Not reprinted.

consequence of a new organisation, referred to later, and which necessitated part of the June revenue being collected the following month. The net gain of revenue to this State, after deducting salaries, is £110,000 for the year.

Finger Impression Record Department.

In dealing with this Branch I think it well to review shortly the system adopted to check desertion, which is, of course, its primary object, though a great deal of other work is also done.

To detect deserters by what is known as the "Henry System," two things are essential: firstly, as many finger impression records of deserters as possible, and secondly, a good supply of native suspects for examination. The first need is supplied by taking records of all natives convicted in the more important districts, of the contravention of the Pass Law, and Master and Servants Act, as these are a class likely to desert. Records of natives who have passed through the office are handed to employers for return should they desert. A great number of the mines and some of the other large employers of labour have been induced to take the records of all natives in their employ.

To meet the second requirement, all natives found without passes and all against whom there is any suspicion, are passed through the Department for identification.

The co-operation of the Town Inspector with his small staff of six native police has been of great assistance in supplying material for investigation.

This Branch has done valuable work as a Charge Office under the Pass Law and Masters and Servants Act, and also as an Office for the registration of native criminals and in preventing the unconscious employment of convicted natives by the public. This prevention checks crime by diminishing the opportunity for it, as well as being a great protection to the public, which is much appreciated. Valuable assistance has also frequently been given to the Criminal Investigation Department, and to the Police by the identification of criminals who have at one time or another passed through the records.

During the period under notice some 7,500 cases were dealt with by this Branch. 3,505 cases were sent to the Courts, particulars* of which are attached.

*Appendix No. 43.

Of the 379 cases acquitted almost all owed their acquittal to some technical flaw in the charge or to the failure of some essential witness to appear.

Native Deposit and Remittance Agency.

This Office, which was established on 1st August, 1902, affords natives a secure repository for their earnings and a reliable channel for the transmission of monies to their homes. As the Branch is more fully dealt with in another report, it is unnecessary for me to recapitulate.

Compounds.

Attached to the Johannesburg and Krugersdorp Pass Offices are compounds where natives suspected of desertion are detained for a period of six days, and where unemployed natives seeking work can find food and accommodation on payment of 1s. per diem. Both these compounds have been much improved during the year, not the least of the improvements being the provision made for natives who become indisposed through illness while in transit through the Labour Districts, and who are in a state of destitution.

A new and commodious compound is now in process of construction at Boksburg.

*Appendix No. 44.

I attach a Return* showing the number of natives dealt with, and particulars of disposal.

During the latter portion of the year it was found that the system of registration of contracts was cumbersome and led to congestion at Pass Offices. It was, therefore,

* Not reprinted.

decided to adopt a more simple method which, however, entailed the entire exchange of passports held by natives.

The cheerful manner in which all members of the staff undertook this additional work, and the manner in which they brought it to an effectual issue by working early and late, has already, I am glad to say, been recognised by the Commissioner for Native Affairs.

H. S. Cooke,
Acting Controller of Passports.

Johannesburg, February 9, 1904.

APPENDIX No. 13.

Transvaal Chamber of Mines.

Schedule of Native Wages—May, 1897—*Restored January*, 1903.

	s.	d.
MINE :—		
Machine Helpers	1	8
Hammer Boys	1	6
Shovel Boys	1	3
Tram Boys (10 feet trucks)	1	2
Tram Boys (16 feet trucks)	1	6
Dry Shaft and Winze Boys	1	8
Wet Shaft Boys	2	0
Wet Shaft Boys (when developing only).	2	6
Boys cutting Hitches for Timber ...	1	6
Timber Boys	1	2
Stope Ganger's Assistants	2	0
Station Boys (where white man employed).	1	2
Station Boys (where no white man employed).	2	6
Air Hoist Drivers	2	0
Pumpman's Assistants	1	8
Platelayer's Assistants	1	6
Pipeman's Assistants	1	6
SURFACE :—		
Stokers (12 hours)	2	6
Stokers (8 hours)	1	8
Engine Cleaners	1	6
Sorting Boys	2	0
Head Gear Boys (where white man employed).	1	4
Head Gear Boys (where no white man employed).	2	6

	s	d
MILL :—		
Elevator Boys	2	0
Vanner Boys	2	0
Mill Boys (12 hours)	2	0
Mill Boys (8 hours)	1	4
Blanket and Sluice Boys	2	0
Crusher Boys	1	4
Surface Trammers	1	9
Mule Drivers	2	6
CYANIDE :—		
Solution Shed Boys	1	4
Boys (Filling and Discharging) ...	1	9
Zinc Cutters	1	6
Tramming Residues	1	4
GENERAL :—		
Fitter's Boys	1	6
Blacksmith's Boys (strikers) ...	2	6
Blacksmith's Boys (helpers) ...	1	4
Carpenter's Boys	1	2
Mason's Boys	1	4
Police	2	6
Compound Cooks	2	0
Drill Packers	1	0
Drill Sorters	1	6
Surface Labourers	1	2
Office and Store Boys	2	6
Assay Office Boys	2	6
Coal Boys (off-loading)	1	6

Notes.—Timber Boys assisting in Timbering Shafts to be paid at the rate of Wet and Dry Shaft Boys.

Seven and one-half per cent. of the Natives employed may be paid special rates.

Month to be reckoned as consisting of at least 30 working days.

It is permissible for Companies to pay Natives on the piece-work system on the basis of the above Schedule Rates.

APPENDIX No. 36.

MORTALITY OF NATIVES EMPLOYED ON MINES AND WORKS IN PROCLAIMED LABOUR DISTRICTS.

For Year ended 30th June, 1903.

Month.	No. of Natives employed during Month.	No. of Natives who died during Month.	Death Rate per 1,000 per Annum.
1902.			
July	39,964	137	41·14
August	39,496	163	49·52
September	42,344	164	46·48
October	45,055	210	55·93
November	46,710	249	63·97
December	48,542	324	80·09
1903.			
January	49,761	253	61·01
February	55,288	207	44·93
March	57,022	235	49·45
April	62,265	269	51·84
May	65,371	431	79·12
June	68,819	492	85·79
Average Number employed	51,720	3,134	60·59

No. 14.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 12.40 p.m., May 8, 1904.)

TELEGRAM.

[*Answered by No.* 16.]

May 8. No. 1. Referring to your despatch of 4th January,* please state number of deaths among British Central African natives for each month of present year. Papers will be published this week as to conditions of labour in mines, including your despatches 21st March,† and 2nd April,‡ and enclosures.

No. 15.

HIGH COMMISSIONER VISCOUNT MILNER to MR. LYTTELTON.

(Received 5.50 p.m., May 8, 1904.)

TELEGRAM.

May 8. No. 124. Matter most urgent. Your telegram of 7th May, No. 1.§ I have not yet received returns from Rhodesia, but am again communicating with

* Printed at p. 32 of [Cd. 1950]. † No. 11. ‡ No. 12.

§ Not printed. The telegram asked when information required for a Return as to number and rates of mortality among certain classes of white miners and natives would be received.

Administrator, and also with Governor, Cape of Good Hope, who were asked to supply information as regards Kimberley direct to you.

Transvaal mines have lately shown very satisfactory decrease in death rate, which was 36 per thousand in March and 32 in April, as compared with 49 and 52 for corresponding months of last year. If it had not been for one unfortunate accident, involving 43 deaths, as to which I sent you report by last mail, death rate during April would have been only 26 per thousand per annum. Notwithstanding this accident, however, April rate is lowest yet recorded on mines, is over 50 per cent. below general average for year 1903 and 38 per cent. lower than rate for corresponding month of 1903.

Despatch follows by mail.

No. 16.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.55 p.m., May 9, 1904.)

TELEGRAM.

May 9. No. 1. Your telegram of May 8, No. 1.* Following is return of deaths among British Central African natives:—

January, 9.
February, 4.
March, 4.
April, 23.

This last figure includes 18 killed in recent accident on Robinson Deep as to which I sent report by last mail.

No. 17.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 7.12 p.m., May 9, 1904.)

TELEGRAM.

May 9. No. 3. Your despatches of 21st March and 2nd April† furnish satisfactory evidence of improvements which have been made, and of good work of Native Department, and your telegram of 8th May, No. 124,‡ records a favourable diminution of the death rate for March and April, but I regret that mortality returns for August to February as a whole still show the high mortality of 66 per mille. I trust that your anticipations of a very considerable reduction of the death rate in the near future may be realised, in consequence of greater care in recruiting and from giving special attention to natives from warm low regions. There is another matter, viz., the risk of putting men to full work of an arduous nature at the outset, before they have become acclimatised, and have got into fit condition for such labour by a short period of work of a less exacting nature or amount. This consideration will have to be borne in mind in connection with the introduction of Chinese labourers, whom the sea voyage will have tended to render soft and unfit for hard work immediately on arrival in South Africa. I would also remind you of the statement of the mine doctors in their report of June last§ that the adoption of their recommendations ought to bring about the reduction of the rate of mortality to at least 40 per thousand. Until their expectation is realised it is incumbent upon the Transvaal Government to press for all measures necessary to secure this result, and the Native Department

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* No. 14. † Nos. 11 and 12. ‡ No. 15.
§ Printed at p. 388 of [Cd. 1897].

should, I consider, be called upon to furnish month by month special reports with regard to all mines on which the mortality exceeds rate of 50 per thousand, stating how far the recommendations of the mining doctors have not been fully complied with, and giving any explanations of the causes to which, in their opinion, the excessive mortality is due. A full report should be supplied to me on the results up to the end of June, and also a report as to the actual precautions which have been adopted with a view to putting an end to the exceptional death rate among Portuguese natives.

TRANSVAAL.

FURTHER CORRESPONDENCE

RELATING TO THE

TRANSVAAL LABOUR IMPORTATION ORDINANCE.

(*In continuation of* [*Cd.* 1986] *March*, 1904.)

Presented to both Houses of Parliament by Command of His Majesty.
May, 1904.

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1904.

[Cd. 2026.] *Price* 6*d*..

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Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1904.		
1	Governor Viscount Milner.	Telegram 1.	March 3 (Rec. Mar. 3.)	Transmits substance of Regulations drafted under the Labour Importation Ordinance, and states that the full text will be sent by mail.	1
2	To Foreign Office...	—	March 5	Gives purport of telegraphic correspondence with Lord Milner on the points specially raised by the Chinese Minister.	3
3	To Governor Viscount Milner.	Telegram 2.	March 11	Discusses various points in No. 1 ...	4
4	Governor Viscount Milner.	Telegram 1.	March 12 (Rec. Mar. 12.)	Replies to No. 3	5
5	To Governor Viscount Milner.	Telegram 1.	March 16	Requests him to telegraph the text of the Regulation defining the term "premises."	6
6	Ditto	Telegram 1.	March 18	Requests text of schedule to the contract, and suggests that a statement of the restriction upon the labourer as to residing on premises and not being allowed to leave them without a special permit should be included in the body of the contract.	6
7	Governor Viscount Milner.	Telegram 2.	March 18 (Rec. Mar. 18.)	Replies to No. 5 with regard to the term "premises."	6
8	Ditto	Telegram 2.	March 19 (Rec. Mar. 19.)	Furnishes text of Schedule of Contract; and replies to No. 6.	6
9	To Governor Viscount Milner.	Telegram 1.	March 24	Observes as to conditions attaching to payment of freight in Indian coolie charter parties; considers proposed fees for Surgeon Superintendent to be too low; agrees to proposal in No. 4 as to vaccination of labourers.	7
10	Ditto	Telegram 2.	March 24	Considers it desirable that wages to Chinese should not be lower than those paid to Kaffirs, and states that the rate must be specified in the contract; suggests fortnightly payments instead of monthly.	7
11	Ditto	—	March 25	Transmits copy of a question asked in the House of Commons respecting the possibility of applying to the labourers imported under the Labour Importation Ordinance, certain of the benefits conferred upon the labourer by the Masters and Servants' Law of 1880, and of the reply thereto.	8

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Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1904.		
12	To Governor Viscount Milner.	Telegram 3.	March 26	Enquires what provision will be made for labourers to reach the Superintendent in the event of ill-treatment, and how often each compound will be visited.	9
13	Governor Viscount Milner.	Telegram	Mar. 28 (Rec. Mar. 28.)	Reports that a Regulation will be added defining the word "premises."	9
14	Ditto	Telegram 2.	March 29 (Rec. Mar. 29.)	Reports that mines are ready to adopt provision suggested to enable labourers to reach Superintendent in the event of ill-treatment.	9
15	Ditto	Telegram 3.	March 29 (Rec. Mar. 29.)	Specifies rate of wages proposed to be paid to Chinese labourers.	10
16	Ditto	Telegram 4.	March 29 (Rec. Mar. 29.)	Replies to No. 9 as to remuneration of Surgeons-Superintendent.	10
17	To Governor Viscount Milner.	—	April 2	Transmits copy of a question in the House of Commons suggesting the desirability of prohibiting the employment of indentured Asiatics by those employers in whose service the rate of mortality is high, and requests consideration of the point.	10
18	Ditto	Telegram 1.	April 4	States, with reference to No. 14, that it will be sufficient if the Regulations provide for passes to labourers to see the Superintendent.	11
19	Ditto	Telegram 2.	April 8	Suggests that 1,000 ought to be the maximum number of emigrants for one ship on the voyage from China to South Africa.	11
20	Governor Viscount Milner.	—	March 21 (Rec. Apr. 9.)	Forwards Ordinance No. 17 of 1904, "To regulate the introduction into the Transvaal of unskilled non-European labourers."	12
21	Ditto	—	March 21 (Rec. Apr. 9.)	Transmits copy of the Revised Regulations.	22
22	Ditto	Telegram 4.	April 13 (Rec. Apr. 13.)	Reports objections of Chamber of Mines to the proposal to limit the number of labourers carried on one ship to 1,000.	37
23	To Governor Viscount Milner.	Telegram 3.	Apr. 13	States that every effort is being made to hasten the agreement with the Chinese Minister.	37
24	Ditto	Telegram 2.	April 13	Remarks on the undesirability of paying Chinese lower wages than Kaffirs.	37
25	Governor Viscount Milner.	Telegram 3.	April 14 (Rec. Apr. 15.)	Reports substance of representations made by deputations against the delay in giving effect to the Labour Importation Ordinance.	38
26	To Governor Viscount Milner.	Telegram 1.	April 15	Agrees to withdraw the objection to shipping more than 1,000 coolies in one vessel on the understanding that the medical staff is in the proportion of one Surgeon Superintendent, one qualified assistant, and two dispensers for every 1,000 coolies.	39

Serial No.	From or to whom.	—	Date.	— Subject.	Page.
			1904.		
27	Governor Viscount Milner.	Telegram 3.	April 15 (Rec. Apr. 15.)	Replies to No. 24	39
28	To Governor Viscount Milner.	Telegram 1.	April 16	Gives terms of Articles of the Convention settled with the Chinese Government.	39
29	Governor Viscount Milner.	—	March 28 (Rec. Apr. 16.)	Transmits copies of despatches addressed to the Governor of Hong Kong and the Consul-General at Tien-tsin, enclosing instructions to be followed by the Transvaal Government Agents to be stationed at those ports.	40
30	To Governor Viscount Milner.	Telegram 1.	April 19	Suggests that alterations should be made in the contract with a view to omitting reference to day work and minimum wage, and providing for piece work only.	42
31	Ditto	Telegram 1.	April 20	Requests view of medical experts as to probable risk of extension of plague through importing Chinese, and how they would propose to diminish risk.	43
32	Governor Viscount Milner.	Telegram 1.	April 21 (Rec. Apr. 21.)	States that mine owners will consent to a fixed minimum of 1s. 6d. per working day of 10 hours if absolutely necessary in order to obtain immediate settlement. Considers the suggestion of contract based on piecework impracticable.	43
33	To Governor Viscount Milner.	—	April 22	Acknowledges receipt of No. 20 and refers to telegram of 11th March, sanctioning the Ordinance.	43
34	Ditto	Telegram 1.	April 22	Notifies approval of the Convention by the Chinese Government and that he will telegraph authority as to bringing the Ordinance into operation as soon as the Chinese Minister has signed the Convention.	44
35	Governor Viscount Milner.	Telegram 1.	April 23 (Rec. April 23.)	Requests that the notification necessary under Clause 1 of the Convention may be made to the Chinese Government with regard to Tien-tsin as soon as the Convention is signed, and presumes that the Transvaal Government Agent at that port will fill the position of British Consular Officer or his delegate.	44
36	Ditto	Telegram 3.	April 25 (Rec. Apr. 26.)	Replies to No. 31 as to the probable risk of extension of plague through the importation of Chinese.	44
37	To Governor Viscount Milner.	Telegram 3.	April 26	Approves of decision of mine-owners to fix a minimum daily wage at 1*s.* 6*d.*; and states that the terms of the contract cannot be finally approved pending decision of one or two minor points arising out of the Convention.	45

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1904.		
38	Governor Viscount Milner.	Telegram 1.	April 27 (Rec. Apr. 27.)	Remarks on the objections to fixing a minimum of 1*s.* 6*d.* for Chinese and suggests compromise.	45
39	To Governor Viscount Milner.	Telegram 2.	April 28	Enquires whether the views expressed in No. 36 are indorsed throughout by the expert medical advisers of the Transvaal Government, and requests names of experts.	45
40	Ditto	Telegram 2.	April 29	Approves the compromise proposed in No. 38, provided it is stated in the contract that piecework is to be at the labourer's option.	45
41	Governor Viscount Milner.	Telegram 1.	May 2 (Rec. May 2.)	States that the mines agree to the compromise as laid down ; that 60 per cent. of labourers will be offered piecework at once, and that the percentage will be increased.	46
42	To Governor Viscount Milner.	Telegram 2.	May 3	Observes that unless piecework is to be entirely at the labourer's option the Secretary of State must revert to 1*s.* 6*d.* as minimum rate of pay.	46
43	Governor Viscount Milner.	Telegram 7.	May 4 (Rec. May 4.)	Explains, in reply to No. 42, that it was never intended that labourers not employed on piecework should be confined to minimum wage.	47
44	To Governor Viscount Milner.	Telegram 1.	May 5	Waives condition that piecework should be guaranteed to all classes of labour on the understanding set forth.	47
45	Ditto	Telegram 1.	May 6	Transmits text of Schedule to the Chinese Convention.	47
46	To the Officer Administering the Government of Hong Kong.	Telegram	May 6	Enquires as to the alleged cancellation of charter for steamer to convey coolies to South Africa ; accommodation of coolies ; and presence of plague.	48
47	The Officer Administering the Government of Hong Kong.	Telegram	(Rec. May 7)	Replies to No. 46	48
48	To Governor Viscount Milner.	Telegram 1.	May 7	Approves regulations enclosed in No. 21, subject to observations.	49
49	To Governor Viscount Milner.	Telegram 2.	May 10	Communicates statement made by the Secretary of State in the House of Commons as to the risk of introducing plague from Hong Kong ; asks for reply to No. 39.	49
50	Governor Viscount Milner.	Telegram 3.	May 12 (Rec. May 12.)	Remarks upon No. 48	50
51	To Governor Viscount Milner.	Telegram 2.	May 13	Informs him that the Convention has been signed and that the Ordinance can be brought into operation, but no embarkation can take place until the Secretary of State is satisfied as to freedom from undue risk.	51

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1904.		
52	Governor Viscount Milner.	Telegram 1.	May 13 (Rec. May 13.)	Reports that the views expressed in No. 36 are endorsed by all medical advisers of the Transvaal Government; repeats that every precaution is being taken, and trusts that embarkation may not be delayed on this account.	51
53	Ditto	Telegram 3.	May 16 (Rec. May 16).	Reports that Proclamation bringing Ordinance into force will be issued; trusts that embarkation can take place at once; communicates terms of wages clause.	51
54	To Governor Viscount Milner.	Telegram 1.	May 18	Authorizes embarkation from China and Hong Kong as soon as he is satisfied that all necessary preliminary conditions have been complied with.	52
55	Ditto	Telegram 3.	May 18	Concurs in proposal in No. 50 as to amendment of Section 37 (4) of the Regulations; directs him to send home the Regulations as soon as they are issued in final shape, with his observations.	52

APPENDIX.

Convention between His Britannic Majesty and the Emperor of China 53

FURTHER CORRESPONDENCE

RELATING TO THE

TRANSVAAL LABOUR IMPORTATION ORDINANCE.

No. 1.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 3.40 p.m., March 3, 1904.)

TELEGRAM.

[*See No.* 3.]

3rd March. No. 1. Regulations have been drafted under the Labour Importation Ordinance which are in substance as follows:—

1. No recruiting except by a person licensed by the official mentioned in 2 on such conditions as may be imposed by him.

2. Contract of service to be signed by labourers in the presence of an official representing Transvaal Government stationed at such ports of embarkation as may be notified, who shall explain provisions of contract and Schedule thereto to the labourers before signing it, and shall certify at foot of contract that he has done so, and that labourers who signed did so voluntarily, and without any undue pressure or misrepresentations. Form of contract sets forth conditions required in Section 9 of Ordinance the period of service, rate of pay per working day of ten hours, and liberty to labourer to terminate his contract at any time on refunding expenses incurred by importer in introducing him and returning him to country of origin and conditions on which his wife and children may accompany him. Schedule and contract set forth sections mentioned in section 9 (*d*) of the Ordinance.

3. A certified copy of contract in Chinese language to be delivered to every labourer signing it.

4. No application for licence to be granted until Superintendent certifies that suitable accommodation for housing of labourers and suitable hospital accommodation and medical attendance at mines at which labourers to be employed have been provided by applicant.

5. Every transfer of labourer to be in writing and signed by transferor, transferee, and labourer in the presence of and attested by Superintendent who shall explain meaning and effect of transfer to labourer: Lieutenant-Governor not to sanction transfer until it is certified to him by Superintendent that labourer has consented thereto.

6. Every labourer to be carried from China to Durban in ship holding a certificate from official mentioned in 2 and certificate to be issued to ship on similar conditions to those prescribed in Ordinance 1899 and 1901 in force in Hong Kong for the conveyance of Chinese passengers.

7. On arrival at Durban labourers and their wives and children to be medically examined and vaccinated unless Medical Officer satisfied that within six months previously they have been vaccinated.

8. No labourer arriving at Durban to be allowed to enter Transvaal who has not arrived by ship whose master holds certificate mentioned in 6.

9. Superintendent or officer appointed by him to satisfy himself on arrival of labourers at Durban that they signed Contract in accordance with requirements in 2.

10. Every employer to provide labourers and wives and children on his premises with medicine and medical attendance during illness and on failing to do so liable to pay any reasonable expense incurred by Superintendent in making such provision; penalty also provided for breach of Regulation.

11. Employer bound to give work to every labourer six days in every week except Sundays and Chinese holidays mentioned in contract unless work is impossible by reason of bad weather or other cause. Any labourer willing and able to work but not supplied with work by employer on any working day is entitled to full pay for such.

12. Every labourer except in case of sickness or bad weather or other cause as prevents work or in case of some cause beyond his control, bound to work for ten hours in every twenty-four by day or night, except on Sundays and Chinese holidays.

13. Wages of labourer to be paid at expiration of every thirty days' work in coin of the realm.

14. Employer cannot charge labourer with payment for any moneys on account of stores supplied or deduct any sum in respect thereof from the wages due to him.

15. If wages not paid to labourers within fourteen days after demand made on employer Inspector may sue employer for amount of wages due on behalf of labourer.

16. Every labourer entitled to be accompanied by his wife and children under age of ten at expense of importer and every labourer not so accompanied may after his introduction require employer to introduce his wife and children under ten at expense of labourer and any employer refusing he may determine his contract and therefore (? thereupon) he shall be returned to China at expense of importer.

17. In any case in which a labourer is transferred to another employer his wife and children must accompany him, and reside on the premises at which labourer is employed where suitable accommodation must be provided for him by (?) transferor.

18. Every woman introduced under Ordinance must be given a passport. She cannot leave premises on which she resides without permit by owner of premises, granted on similar terms to those on which permit issued to labourer under Section 19 of Ordinance. Woman liable to penalties imposed by Sections 19 and 20 of Ordinance if without passport or found off premises on which she resides without permit.

19. Provisions of Sections 26 and 28 of Ordinance to apply *mutatis mutandis* to every woman introduced under Ordinance.

20. Labourers and wives and children to be returned to country of origin only in ships the masters of which hold licences to carry them. Such licences will be granted by an official at Durban only to ships in which conditions exist similar to those required in ships conveying labourers from China to Durban.

There are regulations which provide for the form of application licenser (? for licence), form of licence, passport, permit, register to be kept by employer, but this is merely formal.

Full text will be sent by mail.

No. 2.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, March 5, 1904.

WITH reference to the letter from this Department of the 15th ultimo,* I am directed by Mr. Secretary Lyttelton to state, for the information of the Marquess of Lansdowne, that he has been in communication with the Governor of the Transvaal by telegraph on the subject of the Chinese Minister's note of the 11th February† respecting the Transvaal Labour Importation Ordinance.

Mr. Lyttelton telegraphed to Lord Milner upon the five points specially referred to by the Chinese Minister. As regards the first of these points Lord Milner replied that the proposal that the Consul or Consular Agent of the country of the immigrant shall have power to visit the mines and make representations to the authorities respecting the well-being of the immigrant, is open to strong objection. He pointed out that the Transvaal Government is appointing a special officer as Protector of Indentured Labourers in whose hands their interests will be safe, and that the appointment of the proposed Consular Agents, who would probably be local traders, would, as he was advised, be certain to cause friction. To this Mr. Lyttelton replied that if the Chinese Minister pressed the proposal it did not seem to be possible to refuse to agree to the appointment of a Consul who should be a Consul de Carrière and not a local trader. If the Chinese Government subsequently found that this officer was unnecessary, and that the system could evidently be worked without his assistance, the arrangement could be reconsidered.

With regard to the second point raised by the Chinese Minister relating to corporal punishment, Lord Milner pointed out that any labourers imported would be amenable to the law of the land by which everybody, including whites, is liable to corporal punishment for certain offences. But no corporal punishment would be allowed except for such offences, and in these cases could only be inflicted after trial and sentence by a Magistrate or Judge.

The third suggestion of the Chinese Minister was that it should be made clear that only *bonâ fide* employers should be allowed to import labour and that the transfer of a labourer to another employer should only be made with the labourer's consent. To this Lord Milner replied that certainly only employers would be licensed to import labour, but that it should be understood that the employer would not be an individual, but an Association, *i.e.*, either the Chamber of Mines or some group of mines. Transfer from one employer to another would require the consent of the labourer, but not transfer from one mine to another belonging to the same group. Mr. Lyttelton's answer to Lord Milner on this point was to the effect that it would not be possible to treat the Chamber of Mines as the employer with whom the contract by the labourer is made, leaving him no option as to his transfer from any one mine on the Rand to any other within the area covered by the properties worked by all the members of the Chamber of Mines.

5. As to the further question whether a group of mines may be treated as one employer Mr. Lyttelton stated that this appeared to him to depend upon the precise nature of the responsibility and of the control exercised by the governing body of a group over the several mines of that group. Mr. Lyttelton presumed that the management of each mine is not independent, and that complaints and proceedings taken by the Government in respect of the treatment of labourers would lie against and be dealt with by the Board controlling the group of mines, and not the directors of the individual mine, and that the functions of such a Board are not purely financial.

6. He pointed out that the interpretation which Parliament would attach to the pledge which he had given in this matter would be that the labourer should not be transferred from more favourable to less favourable conditions of employment

* No. 9 in [Cd. 1945].

† See No. 6 in [Cd. 1945].

without his consent, and that if he were to agree to a group of mines being accepted as the employer, he must be satisfied that the control exercised by the Central Board of the group is such as to secure practical uniformity of treatment and equal conditions in each of the mines under their control.

7. On this point Lord Milner has now replied that it is not essential that the Chamber of Mines should be the employer of the labourers, but that if the consent of the labourer is necessary to his transfer the employer must be a group of mines and not each single mine. The control of the central body of each group over the several mines belonging to it is absolute, and the Government could effectively ensure the observance of the stipulated treatment and of identical treatment on each mine of a given group through such central body.

8. In the fourth place the Chinese Minister suggested that repatriation should take place to the port of embarkation in the country of the immigrant. Lord Milner replied that there would be no difficulty in providing for this, and that it had in fact always been contemplated.

I am, &c.,
H. BERTRAM COX.

No. 3.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 6 p.m., March 11, 1904.)

TELEGRAM.

[*Answered by No.* 4.]

(Extract.)

March 11. No. 2. Referring to your telegram of 3rd March, No. 1.* There are many points that cannot be decided till more is known with regard to requirements of Chinese Government, which I hope to get in writing this week, but in any case, and whatever Regulations Chinese may or may not require, I consider it essential that all provisions necessary for securing good treatment of labourers on voyage, *e.g.*, for securing that proper supply of food, water, and medicine shall be carried, must be embodied in licence granted to Native Labour Association, with whom, I understand, it will rest to charter ships. Form of charter party should be subject to approval of Transvaal Government Emigration Agent. See also under (6).

As to sections summarized in your telegram :—

(5.) It is not clear with whom contract is to be signed by labourer in China. Recruiting is, I understand, to be conducted by agents of Native Labour Association. It seems that labourer should make contract with the Association as agents for an individual mining group, otherwise transfer from Association to individual group will be necessary in case of each man on arrival in Transvaal, and unless he consents to such transfer his introduction will be useless. How do you propose to meet this difficulty?

(6.) An official is to accompany each ship, see your telegram of 23rd February, No. 2.† He will, I presume, be Surgeon Superintendent and this should, I think, be a condition of importer's licence, which should lay it down that he must be a British subject appointed by Transvaal Emigration Agent and paid by Transvaal Government. Government might recover the amount of his pay from Labour Association. Payment of passage money and of officers' gratuities must depend on surgeon's

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* No. 1.

† No. 36 in [Cd. 1941] March, 1904.

certificate of due fulfilment of charter party, and his own remuneration should consist of a fee for each adult landed Durban. Please telegraph proposed form of importer's licence. Of course, the same safeguards must be taken for the return voyage of labourers as for the outward voyage.

(7.) Vaccination should be performed before labourers embark.

(13.) It must be made clear to labourer before he starts that wage is per working day and payable when thirty working days have been completed. Nothing is said as to rations, I presume this will be contained in the contract, but provision must be made for an approved scale. Form of contract will be one of the most important parts of the whole machinery; Please telegraph it *in extenso.*

(20.) For "country of origin" phrase "port of embarkation in the country of origin" should be used.

No. 4.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 10 p.m., March 12, 1904.)

TELEGRAM.

[*Answered by No.* 9.]

March 12. No. 1. Your telegram of 11th March, No. 2.* Provision necessary to secure good treatment of labourers on voyage will be inserted in licence. Charter party will be made subject to approval of Government Emigration Agent. Agent of Witwatersrand Native Labour Association will be agent of each group of mines here and will be instructed before signing contract with a labourer or batch of labourers as to particular group for which he is to sign, so that no transfer will be necessary on arrival of labourers.

No objection to embodying in licence condition that Surgeon Superintendent must be British subject appointed by Transvaal Emigration Agent and paid by Transvaal Government. It seems impossible however to accept suggestion as to payment of passage money being dependent on surgeon's certificate. No owner would accept such terms. Would it not be sufficient safeguard if Emigration Agent were instructed to cancel licence of a ship to which surgeon refused certificate? Remuneration of surgeon by fee for each adult landed seems inadvisable but no serious objection if point is pressed. In that case I would suggest one shilling per head, with a minimum of £100 for round trip, which is estimated to occupy four months. Same safeguards will be taken for return voyage.

Vaccination should, in my opinion, be performed either before embarkation or on board at discretion of surgeon superintendent. Much delay might be caused by insisting on it before embarkation and voyage offers best conditions for effective vaccination.

As regards (13) conditions will be explained by Government Emigration Agents.

Approved scale of rations will be added to contract.

Words "port of embarkation, &c.," are already used in contract and were only left in Regulations through inadvertence.

Form of licence and of contract as amended follow by telegraph.

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* No. 3.

No. 5.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 3.16 p.m., March 16, 1904.)

TELEGRAM.

[*Answered by No.* 7.]

March 16. No. 1. Referring to your telegram, 14th February, No. 4,* please telegraph text of Regulation defining term "premises."

No. 6.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 5.15 p.m., March 18, 1904.)

TELEGRAM.

[*Answered by No.* 8.]

March 18. No. 1. Matter most urgent. Your telegram, 15th March, No. 1.† Parapraph 4 of contract refers to provisions substantially set forth in schedule to contract.

Please telegraph text of schedule to me if it has been already drawn up.

Do you not think that it would be desirable to include in the body of the contract a statement of the restriction upon the labourer as to residing on premises and not being allowed to leave them without special permit?

No. 7.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 3.54 p.m., March 18, 1904.)

TELEGRAM.

March 18. No. 2. Your telegram of 16th March, No. 1.‡ On consideration it was thought unnecessary to define term "premises" in Regulations. It was understood that term includes the whole of the surface area on which the mine is situated. This area will be of very considerable extent and will afford ample scope for recreation grounds, shops, and places of worship. Definition can, if you wish, be added to Regulations, but, personally, I think it unnecessary, as coolies will only be employed on mines which have a considerable surface area.

No. 8.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 8.55 p.m., March 19, 1904.)

TELEGRAM.

19th March. No. 2. Matter most urgent. Your telegram of 18th March, No. 1.§ Following is text of Schedule to Contract.

Begins: [*For text of Schedule see page* 31.] *Ends.*

This seems to contain statement of the restrictions which you suggest, and I see no reason to include in the body of the contract, since schedule forms essential part of that document.

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* No. 17 in [Cd. 1941]. † No. 18 in [Cd. 1986]. ‡ No. 5. § No. 6.

No. 9.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 5.16 p.m., March 24, 1904.)

TELEGRAM.

[*Answered by No.* 16.]

24th March. No. 1. Your telegram of 12th March, No. 1.* In all Indian coolie charter parties payment of freight is governed by six documents, amongst which is certificate by Surgeon Superintendent that emigrants have been treated in accordance with agreement, and another by Government official port of disembarkation that terms and conditions of charter have been fulfilled and shipowners have made no difficulty in accepting these conditions, which many years' experience have confirmed.

In my opinion fees proposed for Surgeon Superintendent are too low. Under your proposal he could at most only earn £300 a year, as I presume it would be impossible to entrust more than 1,000 emigrants to one surgeon. Indian coolie Surgeons Superintendent receive, I understand, 10s. a head, rising to 21s. a head, and complements of ships conveying coolies from India to West Indies vary from 600 to 800 adults. Surgeons can, therefore, count on making at least £300 a year at the outset of their career. Importance of running no risk to health of emigrants is so great that mine-owners would be well advised to pay higher fees than proposed by you to secure competent surgeons. I suggest figure be raised. I consider that Surgeon Superintendent should be able to count upon £300 a year as a minimum, and that he should have a prospect of increase.

As to vaccination I agree to your proposal.

No. 10.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 6.15 p.m., March 24, 1904.)

TELEGRAM.

[*Answered by No.* 15.]

March 24. No. 2. Referring to your telegram of 15th March, No. 1.† I think it very desirable that wages paid to Chinese labourers should not be lower than those at present paid to Kaffirs. Rate must be specified in the contract. Please let me know what it will be, that I may see how it will compare with Kaffirs.

I doubt whether provision for paying on completion of so long a period as thirty days' work will suit Chinese. In event of disputes it will be difficult for Superintendent to ascertain truth. I suggest fortnight. Please consult Evans about this.

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* No. 4.

† No. 18 in [Cd. 1986].

No. 11.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

Downing Street, March 25, 1904.

MY LORD,

I HAVE the honour to transmit to you the accompanying copy of a question asked in the House of Commons on the 1st instant, respecting the possibility of applying to the labourers to be introduced into the Transvaal under the Labour Importation Ordinance certain of the benefits conferred upon the labourer by the Masters and Servants' Law of 1880.

2. A copy of my reply is also enclosed.

3. With regard to the first point raised in the question, it is provided by Section 8 of the Labour Importation Ordinance that the provisions of the contract entered into by the labourer shall be explained to him, and a certificate to that effect is made conclusive evidence of the facts therein stated. I am advised that it follows from this that no labourer could afterwards say that he was induced to enter into the contract by fraud, misrepresentation or concealment, and that, in view of the elaborate safeguards provided by Section 8 of the Ordinance and Section 3 of the Regulations contained in your telegram of 8th March, No. 1,* such a provision as is suggested in the question would, as it appears to me, be unnecessary and would only assist fraudulent labourers to trump up vexatious cases.

4. The second point raised in the question is dealt with in my reply.

5. As to the third point, Section 29 (10) of the Ordinance empowers the Lieutenant-Governor to make regulations for the protection of the property and rights of labourers, and Regulation 27, contained in your telegram of the 8th March,* empowers an Inspector to demand and sue for them.

6. I am advised that wages due to the estate of a deceased labourer can probably be recovered under these provisions.

7. It might be useful to enact that the Inspector may pay wages so recovered without requiring administration to the persons appearing to him to be entitled to them. This can be done by legislation hereafter, if and when necessary, but I should be glad to be favoured with your observations on the point.

8. You are no doubt aware that in the Trinidad Immigration Ordinance there are special provisions on this subject (see page 94 of Cd. 714) and there is also a provision in the Southern Rhodesia Ordinance, No. 18 of 1901 (Section 56).

I have, &c.,
ALFRED LYTTELTON.

Enclosure in No. 11.

HOUSE OF COMMONS.

Tuesday, March 1, 1904.

MR. HENRY SAMUEL asked the Secretary of State for the Colonies whether, seeing that Chinese labourers in the Transvaal will be excluded by the Ordinance recently passed from the benefits of the Transvaal Masters' and Servants' Law, 1880, he will take steps to embody in the regulations about to be framed those parts of that law which are applicable, and especially the sections empowering a Court to set aside a contract of service upon reasonable proof that one of the parties was induced to enter into the same by fraud, misrepresentation, or concealment, securing to a labourer incapacitated by sickness his full wages for the first month of sickness, and in the event of the death of a labourer, securing to his heirs or legal representatives any wages that may be owing to him.

MR. LYTTELTON, in reply, said, "As at present advised in cases where free hospital accommodation is granted I doubt the equity of the second point suggested by the honourable Member, and the first and third points will, I believe, be secured by the existing law. I will take legal advice on the subject and the suggestion will be carefully considered."

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* No. 10 in [Cd. 1986].

No. 12.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 1.42 p.m., March 26, 1904.)

TELEGRAM.

[*Answered by No.* 14.]

March 26. No. 3. Referring to Section 3 Labour Importation Ordinance, what provision will be made that labourer in event of ill-treatment can reach Superintendent or Inspectors? How often will they visit each compound? In Straits Indian Immigration Ordinance 1899 employer is bound within forty-eight hours under penalty of fine to inform Superintendent of desire of immigrant to make complaint. Another possible arrangement would be to give immigrant right to demand pass at any time to see Superintendent, giving power to latter to inflict fine for frivolous complaint. Please send observations.

No. 13.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 9.40 p.m., March 28, 1904.)

TELEGRAM.

March 28. No. 3. Regulation will be added defining premises as follows:—

Begins: "Premises shall include the mine at which the labourer is employed and the whole of the land adjacent thereto held under mining title for purposes in connection therewith." *Ends.*

No. 14.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.30 p.m., March 29, 1904.)

TELEGRAM.

[*Answered by No.* 18.]

March 29. No. 2. Your telegram of March 26, No. 3.* Superintendent and Inspectors will exercise very close supervision. Mines will readily accept provision similar to Straits Ordinance binding them to inform Superintendent or will agree to give passes to immigrants to visit Superintendent. Latter provision seems preferable. Both can be inserted if deemed necessary.

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* No. 12.

No. 15.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 10.25 p.m., March 29, 1904.)

TELEGRAM.

[*Answered by No.* 24.]

March 29. No. 3. Your telegram of March 24, No. 2.* Only minimum wage will be specified in contract. It is proposed to make this 15 dollars for thirty working days, but labourers will be able to earn up to a dollar a day by piecework, which mines are most anxious to encourage. All persons familiar with Chinese coolies whom I have ever consulted are absolutely agreed that piecework is only system under which good work can be got out of them, and that they immensely prefer it. I understand that there will be no difficulty in getting plenty of coolies on these terms.

It is impossible to say exactly how their wages on this system will compare with wages of Kaffirs, with whom piecework is not a success. Kaffir wages to-day vary very much according to nature of work, but average is about £2 10s. According to best calculations I can make, coolies, as soon as they get used to the work, will earn quite as much.

No. 16.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 8.15 p.m., March 29, 1904.)

TELEGRAM.

[*Answered by No.* 19.]

March 29. No. 4. Your telegram of March 24 No. 1.† Charter party can provide for payment of freight and gratuities being contingent on certificates which you mention. Mines agree to Surgeon Superintendent receiving minimum of £300 per annum. They suggest that when more than 1,000 coolies embark in one ship an assistant or dispenser be provided and paid at proportionate rate, say one half to two-thirds of Surgeon Superintendent's salary. No objection to senior Surgeon Superintendent being paid up to £450. Ships likely to be used are already licensed under Hong Kong Ordinance to carry 2,000 to 2,500.

No. 17.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

MY LORD, Downing Street, April 2, 1904.

I HAVE the honour to transmit to you copies of a question and answer in the House of Commons with reference to the desirability of prohibiting the employment of indentured Asiatics by those employers in whose service the rate of mortality is

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* No. 10. † No. 9.

high. I shall be glad if you will consider this point. You are no doubt aware that special provisions on the subject exist in the Trinidad Immigration Ordinance (page 69 of Cd. 714).

I have, &c.,
ALFRED LYTTELTON.

Enclosure in No. 17.

HOUSE OF COMMONS.

Monday, March 28, 1904.

MR. LOUGH asked the Secretary of State for the Colonies whether, "seeing that the burden cast upon the importers of returning the Chinese immigrants to their country at the termination of their contracts will diminish as the rate of mortality increases among the Chinese, and that in other Colonial Immigration Ordinances there are provisions prohibiting the further employment of imported labourers by those employers in whose service the rate of mortality amongst their labourers is high, a similar provision can be made in the Transvaal Ordinance?"

MR. LYTTELTON, in reply, said: "The Honourable Member's suggestion shall be considered."

No. 18.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 12.45 p.m., April 4, 1904.)

TELEGRAM.

4th April. No. 1. Your telegram, 29th March, No. 2.* If Regulations provide for pass to see Superintendent it will be sufficient.

No. 19.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 1.56 p.m., April 8, 1904.)

TELEGRAM.

[*Answered by No.* 22.]

(Extract.)

8th April. No. 2. Your telegram No. 4, 29th March.† It seems to me that there are serious objections to shipping as many as 2,000 immigrants on one ship for a voyage so long as that from China to South Africa. Making full allowance for difference in length of voyages to West Indies and to Durban the experience of Indian emigration would indicate that 1,000 ought to be maximum for one ship and that for this number a Surgeon Superintendent, a qualified assistant, and two dispensers would be required.

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* No. 14. † No. 16.

No. 20.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received April 9, 1904.)

[*Answered by No.* 33.]

Governor's Office, Johannesburg, March 21, 1904.

SIR,

I HAVE the honour to forward, for your information, two copies of Ordinance No. 17, of 1904, "To regulate the introduction into the Transvaal of unskilled Non-European Labourers," together with a report thereon by the Attorney-General.

I also forward eight unauthenticated copies of the above mentioned Ordinance.

I have, &c.,
MILNER,
Governor.

Enclosure 1 in No. 20.

(No. 17 of 1904.)

ORDINANCE to regulate the introduction into the Transvaal of Unskilled Non-European Labourers.

Preamble. Whereas it is desirable to make provision for regulating the introduction from outside Africa south of 12 degrees north of the Equator into the Witwatersrand District of unskilled labourers not being of European descent for the exploitation of minerals within the said area:

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows;

Interpretation of terms. 1. In this Ordinance and all rules and regulations made thereunder unless the context otherwise requires the following expressions in inverted commas shall have the meaning placed opposite to them that is to say:—

"labourer" means a male person belonging to a non-European race other than one of the races indigenous to Africa south of 12 degrees north of the Equator introduced into this Colony under contract of service;

"unskilled labour" means such labour as is usually performed in mines in the Witwatersrand District by persons belonging to the aboriginal races or tribes of Africa south of the Equator.

"importer" means any person introducing labourers into this Colony or any person to whom labourers have been transferred under this Ordinance;

"country of origin" means in the case of any labourer the country from which such labourer is introduced;

"contract" means the contract of service entered into by a labourer as provided in this Ordinance;

"imprisonment" means imprisonment either with or without hard labour;

"Witwatersrand District" shall mean the area within which the Witwatersrand High Court has jurisdiction.

APPOINTMENT OF OFFICERS; THEIR POWERS AND DUTIES.

Superintendent and Inspectors of labourers. 2. The Lieutenant-Governor may appoint a Superintendent of labourers (hereinafter styled the Superintendent) who shall have the general administration of this Ordinance and shall perform such duties and exercise such powers as may be imposed on him by this Ordinance or by regulations made thereunder and the Lieutenant-Governor may likewise from time to time appoint such Inspectors Medical Officers Clerks and other Officers as may be necessary for the proper administration of this Ordinance.

3. The Superintendent or any Inspector may at any time enter upon the premises on which labourers are employed and inspect the condition and general treatment of such labourers and the condition of their housing accommodation and hospital accommodation and may enquire into any complaint which an employer may have against a labourer or which a labourer may have against his employer or any person placed in authority over him by such employer and may require any labourer to be brought before him on any such visit and may either before or after such enquiry as aforesaid make a complaint or lay an information in his own name on behalf of a labourer against the employer or against any other person before the Magistrate of the District.

General powers of Superintendent and Inspectors

4. (1) The Superintendent or Inspector may summon any person as a witness whose evidence he considers necessary for the proper determination of any enquiry held by him; such summons shall be served by the person to whom it is directed in the same manner as a summons issued by a Magistrate is required to be served.

(2) Every person on whom such summons has been duly served who without any reasonable excuse refuses or neglects to attend at the time and place mentioned in such summons shall be liable to a penalty not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

(3) The Superintendent or Inspector shall require every statement given by any person at an enquiry held by him to be given upon oath and for such purpose he is hereby authorised to administer an oath to every such person.

(4) Every person who refuses to be so sworn when thereto required shall be deemed to have hindered the officer holding the enquiry in the execution of his duty and shall be liable to be punished accordingly.

(5) Every person who after being so sworn wilfully makes a false statement as to anything material to the proper determination of the matter then in question shall be deemed guilty of perjury and shall be liable to be dealt with and punished accordingly.

Power to summon witnesses on enquiry; penalties for refusing to be sworn and for giving false evidence.

Introduction of Labourers.

5. It shall not be lawful for any labourer to enter be or reside in or to be introduced into this Colony unless he shall previously have entered into the contract referred to in section *eight* and until such contract has been registered in the Office of the Superintendent.

Labourers may not enter Colony except under contract of service.

6. No person shall introduce labourers into this Colony or employ such labourers unless he has obtained a licence to do so from the Lieutenant-Governor under the next succeeding section nor contrary to the terms of such licence; any person contravening this section shall be liable to a penalty of one hundred pounds for every such labourer introduced or employed by him and shall further be bound to refund to the Superintendent any expenses incurred by him in returning such person to his country of origin.

Prohibition of introduction of labourers except under this Ordinance.

7. (1) The Lieutenant-Governor may subject to the provisions of this Ordinance grant a licence to any person to introduce labourers into this Colony to perform unskilled labour only in the exploitation of minerals within the Witwatersrand District.

Licenses.

(2) No such licence shall be granted until the Lieutenant-Governor is satisfied;

(*a*) that the Government of the Colony or State in which the port is situated through which such labourers may enter South Africa for the purpose of being conveyed to the Transvaal has made adequate provision (1) for the medical examination of such labourers on their landing at such port; (2) for preventing the forwarding of labourers who after such medical examination are found to be insane or suffering from a contagious or infectious disease; (3) for the control of labourers while in transit to this Colony or from this Colony back to their country of origin;

(*b*) that suitable accommodation for the housing of such labourers on the premises on which they are to be employed will be ready on their arrival in this Colony;

(*c*) that proper security in terms of section *twenty-two* has been given by the applicant.

(3) Every such licence shall state the port or ports in South Africa through which such labourers shall be introduced.

(4) No such labourer shall be employed elsewhere in this Colony than in the Witwatersrand District.

Contracts with labourers —how executed.

8. Every person obtaining a licence under the last preceding section to introduce labourers shall prior to such introduction enter into a contract in writing with such labourers in the form prescribed by regulation which contract shall be signed by the labourers to be bound thereby in the presence of some person possessing the qualifications prescribed by regulation who shall before such labourers sign the contract explain to them the provisions thereof as well as the provisions of this Ordinance mentioned in the schedule referred to in the next succeeding section. A certificate shall be attached to the said contract signed by the afore-mentioned person certifying that the provisions of this section have been complied with and such certificate shall be conclusive evidence of the facts therein stated.

Such contract shall be of full force and effect in this Colony as soon as it is registered in the Office of the Superintendent.

Introduction of labourers subject to conditions.

9. The introduction of labourers shall be subject to the following conditions which shall be embodied in the contract between the importer and the labourers;

(*a*) that so long as the labourer remains in this Colony he shall be employed only on unskilled labour in the exploitation of minerals within the Witwatersrand District and in particular shall not be employed in any of the trades or occupations specified in Schedule I. to this Ordinance except for unskilled labour therein;

(*b*) that he shall only serve the person introducing him or any other person who has obtained a licence under this Ordinance to introduce labourers and to whom the rights of such first-mentioned person under the contract may be lawfully transferred as provided under section *eleven* hereof for a term of service to be fixed by the contract;

(*c*) that on the determination by effluxion of time or otherwise of the contract or a renewal thereof the labourer shall be returned without delay at the expense of the importer to his country of origin;

(*d*) that so long as the labourer remains in this Colony he shall be subject to the provisions contained in the Labour Importation Ordinance 1904 and more especially to the provisions contained in sections *fourteen fifteen nineteen twenty twenty-four twenty-five twenty-six twenty-seven twenty-eight* and in sub-sections (1) and (11) of section *thirty-one* thereof which shall be substantially set forth in a schedule to the contract.

Period of contracts. No contract to be registered until bond mentioned in section *twenty-two* be entered into.

10. (1) No such contract as aforesaid shall be for a longer period than three years but on the expiration thereof it may be renewed on the same terms and conditions as those prescribed in the last preceding section for a further period or periods not exceeding in all three years; no such contract shall be registered at the office of the Superintendent which is contrary to the provisions of this section or which does not contain the conditions prescribed in the last preceding section nor until the bond mentioned in section *twenty-two* has been entered into and lodged with the Superintendent.

(2) Any person introducing or employing labourers under a contract not complying with the requirements of sections *eight* and *nine* shall be deemed to be guilty of a contravention of this Ordinance and liable to the penalties prescribed in section *six* hereof.

Transfer of contracts.

11. Any importer may with the sanction of the Lieutenant-Governor and under regulations made by him transfer in writing his rights under any contract with any labourer to any other person who has obtained a licence to import labourers under this Ordinance and has given the security mentioned in section *twenty-two* hereof; and thereupon such labourer and such other person shall be bound by all the terms of such contract as fully as if such other person had been a party thereto originally; provided that the Superintendent is satisfied on such evidence as he may require that no consideration or value has passed or been promised for such transfer beyond the repayment by the transferee of the expenses incurred by the transferor in respect of the introduction of such labourers; and provided further that notice of every such transfer shall be given to the Superintendent and a certified copy of the instrument of transfer shall be registered at his office.

Control of Labourers.

Removal of labourer.

12. No importer or other person except in pursuance of a transfer duly registered shall remove a labourer from the place where he is employed without the written permission of the Superintendent nor employ such labourer elsewhere than on such place without like permission. Any person contravening this section shall be liable to a penalty not exceeding ten pounds for every labourer so removed or employed.

Returns by importer on registration of contract.

13. Every importer shall on the registration of the contract made by him with the labourers introduced by him deposit with the Superintendent a return showing:—

(*a*) the number of labourers introduced by him;
(*b*) the place or places at which such labourers are to be employed;
(*c*) such other particulars as may from time to time be required by regulation;

and there shall be lodged with such return an abstract of the certificate of some Medical Officer as to the health and fitness for labour of each such labourer.

Labourer not allowed to trade or to acquire lease or hold land.

14. No liquor mining trading general dealer's importer's hawker's or other licence whatever shall be granted to any labourer or to any person on behalf of or as agent or trustee for any labourer; nor shall it be lawful for any labourer to acquire lease or hold either directly or indirectly any house land building or fixed property or any mynpacht claim stand or any right whatever to minerals or precious stones either in his own name or in the name of any person on behalf of or as agent or trustee for him.

Passport to be issued to every labourer.

15. The importer shall on the registration of the contract between him and the labourers introduced by him obtain from the Superintendent for every one of such labourers an identification passport in the form prescribed by regulation which shall contain a complete record by which the holder thereof may be identified and traced and shall in any Court of Law be *primâ facie* evidence of the facts therein recorded.

Any importer contravening this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding six months.

The said passport shall always be carried by the person described therein and shall be renewed on the first day of January of every year. There shall be paid to the Superintendent by the importer on the issue and on every renewal of such passport such sum as may be prescribed by regulation not exceeding two pounds for each year.

Register to be kept by importer.

16. The importer shall cause a register in the form prescribed by regulation to be kept of all labourers introduced or employed by him and shall enter in the said register all transfers deaths unlawful absences from work and desertions occurring among such labourers and shall cause a return in the form prescribed by regulation to be made to the Superintendent within the first seven days of every month of the number of labourers introduced by him or transferred to him or by him during the preceding month the number of labourers actually employed by him on the last day of that month and the number of transfers deaths unlawful absences from work and desertions which have occurred during such month.

In the case of the death of any labourer a medical certificate shall be forthwith forwarded to the Superintendent as to the cause of death.

Such register shall also contain such other particulars as may from time to time be prescribed by regulation.

Register kept by importer to be open to inspection.

17. The register kept under the last preceding section shall be open at all times to the inspection of the Superintendent or Inspector who shall be entitled to demand from the importer such further information as he may require in respect of the entries in the said register and the returns made under the last preceding section.

Labourers must reside on premises on which they are employed.

18. Labourers shall reside on the premises on which they are employed and shall be provided with accommodation which in the opinion of the Superintendent is sufficient and suitable and shall be in charge of a Manager appointed by the importer and approved of by the Superintendent.

Labourers must be provided with permits in case they be absent from premises on which they are employed.

19. No labourer introduced under this Ordinance shall leave the premises on which he is employed without a permit in the form and containing the particulars prescribed by regulation signed by some person authorised thereto by the importer; provided that no such permit shall authorise the absence of such labourer from such premises for more than forty-eight hours from the time when it was issued.

The said permit shall bear the date and hour on which and the period for which it was issued and also the name of the labourer to whom it was issued with his registered number and shall not authorise the labourer to go outside the Witwatersrand District.

Every person contravening the provisions of this section shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

Production of passport and permit may be demanded from any person suspected to be a labourer by any Inspector appointed under this Ordinance or police officer.

20. (1) It shall be lawful for any Inspector appointed under this Ordinance or for any police officer to demand from any person whom he has reason to suspect is a labourer introduced under this Ordinance the production of the passport mentioned in section *fifteen* and if it appears from such passport on being produced that such labourer is absent from the premises on which he is employed such Inspector or police officer as aforesaid shall demand from him the permit mentioned in the last preceding section.

(2) Any person failing to produce his passport or permit when asked to do so under the last preceding sub-section may be arrested without warrant and taken before the nearest Court of Resident Magistrate and on conviction for being without such passport or permit as the case may be he shall be liable to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

(3) In a prosecution under the last preceding sub-section of any person not producing a passport when requested to do so it shall be presumed until the contrary is proved that the accused person is a labourer introduced under this Ordinance and on the payment of any fine or expiration of any term of imprisonment imposed on him he shall be sent back by the Superintendent to his employer and in case his employer cannot be found and he refuses to be engaged by any importer as a labourer under this Ordinance he may be forcibly returned to his country of origin by the Superintendent.

Returns by Superintendent giving certain particulars in respect of labourers.

21. The Superintendent shall at least once during every three months transmit to the Lieutenant-Governor for publication in the *Gazette* a statement showing among other things:

(*a*) the number and particulars of licences issued and cancelled;
(*b*) the number of labourers introduced into this Colony and their country of origin;
(*c*) the number of labourers who have been returned to their country of origin and the causes of such return;
(*d*) the number of labourers who have died and deserted;
(*e*) the number and particulars of families introduced and returned under this Ordinance;
(*f*) particulars of any contravention of this Ordinance.

Return of Labourers to their Country of Origin.

Bond to be entered into by importer for return of labourers to their country of origin.

22.—(1) Every importer shall prior to the introduction by him of labourers into this Colony enter into a bond in the form in Schedule II. hereto annexed undertaking to pay the expenses incurred in connection with the return of such labourers to their country of origin in accordance with their contracts and the provisions of this Ordinance; the said bond shall be secured in such manner as the Superintendent may require.

(2) The amount of such bond shall be fixed by the Superintendent and shall be sufficient to pay for all expenses in connection with the return to their country of origin of all labourers in respect of whom such bond is entered into.

(3) If such bond be not entered into by the importer prior to the introduction of such labourers as aforesaid the licence granted to him shall be cancelled and the introduction of the said labourers shall be deemed and taken to be a contravention of section *six* of this Ordinance and the importer shall be liable to the penalties provided in that section.

Notice to be given by importer to Superintendent one month prior to termination of service of labourers.

23. At least thirty days before the expiration of the term of service of any labourer the importer who is responsible for the expenses of such labourer's return to his country of origin shall notify the Superintendent of the date on which such service shall expire and shall take all necessary steps to the satisfaction of the Superintendent for ensuring the immediate return of such labourer to his country of origin and shall carry out and comply with all such directions as may be issued by the Superintendent

as to the place from which such labourer shall take his departure and as to his control while in transit. Any importer contravening the provisions of this section shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment for a period not exceeding six months.

How period of service to be reckoned.

24. In reckoning the term of service of any labourer for the purpose of ascertaining the time when such term expires all periods of time shall be excluded during which the labourer has been absent from his work for any of the following causes that is to say:—

(*a*) imprisonment after conviction of any offence;
(*b*) desertion;
(*c*) unlawful absence from his work duly certified as such by the Superintendent;

provided that no labourer shall be deemed to have been absent from his work within the meaning of this section on account of any desertion unless he has been duly convicted thereof; and provided further that this section shall not apply to any imprisonment desertion or unlawful absence which is not duly recorded in the register required to be kept by the importer under section *sixteen* of this Ordinance and included in the returns made to the Superintendent under the said section.

Labourer refusing to perform service for which he has contracted may be ordered to be returned to his country of origin.

25. If any labourer who has contracted to serve in this Colony shall on or after his arrival refuse without good and sufficient reason to proceed to the place where his service is to be performed or to perform such service he may at the discretion of the Superintendent and in addition to or substitution for any penalty provided by this Ordinance be ordered to be returned to his country of origin.

Return of labourer to country of origin on conviction of an offence.

26. The Lieutenant-Governor may in the event of any labourer being convicted of any offence and sentenced to imprisonment without the option of a fine order the return of such labourer to his country of origin at any time during the period of such imprisonment or on the expiration thereof; provided that if such order is not given until after such labourer has completed his sentence of imprisonment the importer may take him back into his service for the unexpired portion of the period for which he has contracted in which case such order shall be withdrawn.

The Lieutenant-Governor may likewise order the return of any labourer who has been declared of unsound mind by a competent Court or who has become permanently incapacitated for work by physical infirmity or disease.

How labourer to be returned to their country of origin.

27. In the case of every labourer who under the conditions of his contract or the provisions of this Ordinance is required to be returned to his country of origin the Superintendent shall take all necessary steps for his return at the expense of the importer; provided that where any labourer is ordered to be returned to his country of origin on account of any offence committed by him the importer shall be entitled to deduct the cost of so returning him from any wages then due to him.

Penalty if labourer refuses to return to his country of origin.

28. (1) Any labourer liable under his contract or under the provisions of this Ordinance to be returned to his country of origin who refuses to return may be arrested without warrant and brought before a Magistrate and shall upon conviction be liable to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding three months.

(2) If any labourer sentenced to pay a fine or suffer imprisonment under the last preceding sub-section shall after the payment of such fine or expiration of the term of imprisonment as the case may be refuse to return to his country of origin he may be forcibly sent back to his country of origin by the Superintendent.

Regulations.

Regulations.

29. The Lieutenant-Governor may make regulations for any of the following purposes:—

(1) for the grant refusal or revocation of licences to importers under section *seven* of this Ordinance;
(2) for the registration identification and inspection of all labourers and for the issuing and renewing of passports to them and for the fee to be charged thereon;
(3) for the execution registration and proper enforcement of contracts with labourers and of all transfers renewals or alterations of such contracts;

(4) for the return of labourers to their country of origin under the provisions of this Ordinance;

(5) for the introduction repatriation and control of the families of labourers;

(6) for securing correct returns and the keeping of proper registers under section *sixteen* of this Ordinance; and for the proper inspection of such registers;

(7) for the proper control of labourers;

(8) for the medical examination of labourers on arrival in this Colony and during their residence therein; and for such measures as may be necessary to prevent the introduction or spread of infectious diseases;

(9) for the proper housing clothing rations and food of labourers and the observance of all requisite sanitary precautions;

(10) for the protection of the property and rights of labourers;

(11) for the care of sick and injured labourers;

(12) for the inspection of the premises on which labourers reside;

(13) for preventing desertion from service by labourers;

(14) generally for the proper administration of this Ordinance.

Penalties for breaches of regulations

30. The Lieutenant-Governor may prescribe the following penalties for the breach of any regulations made by him in virtue of the powers conferred by this Ordinance;

(1) in the case of a labourer;

(*a*) a fine not exceeding twenty pounds;

(*b*) imprisonment for a period not exceeding six months;

(2) in the case of any other person;

(*a*) a fine not exceeding one hundred pounds;

(*b*) imprisonment for a period not exceeding one year;

(*c*) forfeiture of any licence granted by virtue of this Ordinance;

(*d*) disqualification from holding any such licence in future.

Offences.

Offences against this Ordinance.

31. The following persons shall be guilty of offences against this Ordinance and shall be liable on conviction to the penalties herein specified in respect of such offences:—

(1) Any labourer contravening the provisions of section *five* of this Ordinance shall be liable to the penalties provided in section *twenty-eight*.

(2) Any person who in any way aids abets or assists any labourer directly or indirectly to contravene or evade or to attempt to contravene or evade any of the provisions of this Ordinance shall unless otherwise provided be liable to the penalties provided in section *six*.

(3) Every person who fails to deposit the returns required under section *thirteen* or fails to keep the register make the returns or give the information required under sections *sixteen* and *seventeen* of this Ordinance or who wilfully keeps a false register or makes a false return or gives false information or who being required under section *eleven* to give notice of the transfer of any contract with a labourer fails to do so shall be liable to a fine not exceeding one hundred pounds and in default of payment to imprisonment for a period not exceeding six months.

(4) Every importer who unlawfully withholds any wages or portion of wages earned by a labourer shall be liable to a fine not exceeding fifty pounds

and in default of payment to imprisonment for a period not exceeding three months.

(5) Any person who employs labourers otherwise than on unskilled labour in the exploitation of minerals in the Witwatersrand District shall be liable to a fine not exceeding five hundred pounds and in default of payment to imprisonment for a period not exceeding two years.

(6) Any person who knowingly transfers or attempts to transfer or procures the transfer of any labourer to a person other than one licensed to introduce labourers and any person who shall employ any labourer not imported by or lawfully transferred to him shall be liable to a fine not exceeding five hundred pounds and in default of payment to imprisonment for a period not exceeding two years.

(7) Any person who shall knowingly sell lease or otherwise transfer or attempt to transfer any house land building or fixed property or any mynpacht claim stand or any right whatever to minerals or precious stones to any labourer or to any person on behalf of or as agent or trustee for any labourer shall be liable to a fine not exceeding five hundred pounds and in default of payment to imprisonment for a period not exceeding two years.

(8) Any person who shall knowingly hold purchase lease or otherwise acquire or attempt so to do any house land building or fixed property or any mynpacht claim stand or any right whatever to minerals or precious stones or shall carry on any trade or business on behalf of or as agent or trustee for any labourer shall be liable to a fine not exceeding five hundred pounds and in default of payment to imprisonment for a period not exceeding two years.

(9) Any person who shall obstruct any duly authorised officer in the discharge of his duties under this Ordinance or any regulations made thereunder shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding three months.

(10) Any person who shall harbour or conceal any labourer who has deserted from the service of his importer or who has committed any breach of this Ordinance or who shall aid and abet any labourer to desert as aforesaid shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding three months.

(11) Any labourer who shall desert from the service of his importer or shall refuse to work for him when required to do so or who shall unlawfully absent himself from work or who shall perform any work or carry on any business other than that of unskilled labour in the exploitation of minerals or who shall enter the service of any person other than that of the person importing him or of the person to whom his contract has been lawfully transferred under this Ordinance shall be liable to a fine not exceeding twenty-five pounds and in default of payment to imprisonment for a period not exceeding two months.

(12) Any importer who neglects forthwith to report to the Superintendent the desertion of any labourer while in his employment shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding three months.

(13) Any labourer who shall have any interest whether as partner or otherwise in any trade or business shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding three months.

(14) Any person who shall give or receive any valuable consideration for the transfer of any labourer contrary to the provisions of section *eleven*

of this Ordinance shall be liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

The foregoing penalties shall be independent of any other punishment to which the offender shall be liable.

MISCELLANEOUS.

Certain laws not to apply.

32. The provisions of the Masters and Servants Law (No. 13 of 1880) of Law No. 3 of 1885 or any amendment thereof and of sections *two* to *eight* inclusive of the Peace Preservation Ordinance 1903 shall not apply to any labourer introduced under this Ordinance or to any contracts made thereunder.

Families of labourers.

33. (1) It shall not be lawful for the wife or any member of the family of any labourer or any female belonging to the race or tribe of any labourer and accompanying such labourer to enter be or reside in this Colony unless they be respectively introduced by a duly licensed importer under as far as practicable the same conditions and restrictions as are provided in this Ordinance for the introduction of labourers.

(2) The family of any labourer introduced into this Colony by any importer under any regulations made by the Lieutenant-Governor and any children of such labourer born in this Colony shall be returned by the importer to the country of origin of such labourer on the death of such labourer or on the happening of any of the events which under this Ordinance renders such labourer liable to be returned to his country of origin; and such importer as aforesaid shall give the like security for the payment of the expenses incurred in connection with the return of such family as is required under section *twenty-two* of this Ordinance.

Introduction of British Indians for employment on railways.

34. Nothing in this Ordinance contained shall apply to the introduction into this Colony by the Lieutenant-Governor of British Indians to be employed on the construction of railways sanctioned by the Governor or on other public works; provided always that such introduction shall be subject to such regulations as the Legislative Council may approve of; and provided further that the provisions of this Ordinance in respect of the return of labourers to their country of origin shall *mutatis mutandis* apply to such British Indians.

Title.

35. This Ordinance may be cited for all purposes as the Labour Importation Ordinance 1904 and shall not take effect unless and until the Governor shall proclaim in the *Gazette* that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such a date as the Governor shall notify by Proclamation.

Passed in Council the Tenth day of February One thousand Nine hundred and Four.

E. M. O. CLOUGH,
Clerk to the Council.

Authenticated under my Hand and Seal:

ARTHUR LAWLEY,
Lieutenant-Governor.

Pretoria, 11th February, 1904.

Assented to:

MILNER,
Governor.

Johannesburg 11th February, 1904.

SCHEDULE I.

Amalgamator.
Assayer.
Banksman.
Blacksmith.
Boilermaker.
Brass-finisher.
Brassmoulder.
Bricklayer.
Brickmaker Overseer.
Carpenter.
Clerk.
Coppersmith.
Cyanide Shiftsman.
Drill Sharpener.
Driver of Air or Steam Winch.
Driver of Mechanical or Electrical Machinery.
Electrician.
Enginedriver.
Engineer.
Fireman Overseer.
Fitter.
Ganger.
Ironmoulder.
Joiner.
Machine Rock Driller.
Machine Sawyer.
Machinist.
Mason.
Mechanic.
Miller.
Millwright.
Mine Carpenter.
Mine Storeman.
Miner Overseer.
Onsetter.
Overseer, in any capacity other than the management and control of labourers.
Painter.
Patternmaker.
Pipeman.
Plasterer.
Platelayer.
Plumber.
Pumpman.
Quarryman Overseer.
Rigger.
Sampler.
Signaller.
Skipman.
Stonecutter.
Timberman.
Time Keeper.
Tinsmith.
Turner.
Wire Splicer.
Woodworking Machinist.

SCHEDULE II.

Know all men by these presents that A.B. of C.D. of and E.F. of are held and firmly bound unto our Sovereign Lord Edward VII. by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith in the sum of for each labourer imported by the said A.B. under a contract dated made under the provisions of the Labour Importation Ordinance 1904 to be paid to our said Lord the King his heirs and successors to which payment well and truly to be made we bind ourselves and everyone of us jointly and severally for and in the whole our heirs executors and administrators by these presents.

The condition of this obligation is such that if the above bounden A.B. returns the labourers imported by him under the aforesaid contract when required so to do in accordance with the provisions of the aforesaid Ordinance then this obligation shall be void otherwise it shall be of full force and effect.

(Signed)

In the presence of

Enclosure 2 in No. 20.

TRANSVAAL LEGISLATION.

Report.

Ordinance.

(February 10, 1904.)

(No. 17 of 1904.)

This Ordinance contains the provisions enacted by the Legislative Council relative to the introduction of unskilled non-European labourers into this Colony.

Inasmuch as its provisions and the reasons for its enactment are known to the Secretary of State I do not transmit the usual report as to the same.

RICHARD SOLOMON,
Attorney-General.

No. 21.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received April 9, 1904.)

[*Answered by No.* 48.]

Governor's Office, Johannesburg, March 21, 1904.

SIR,

WITH reference to my telegram of the 15th March, No. 1,* I have the honour to transmit to you two copies of the revised Regulations framed under the Labour Importation Ordinance.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 21.

GOVERNMENT NOTICE, No. OF 1904.

His Excellency the Lieutenant-Governor has been pleased to make the following regulations for the introduction of labourers from China under the powers conferred on him by Section *twenty-nine* of the Labour Importation Ordinance, 1904, referred to in the regulations as the said Ordinance.

By Command of His Excellency the Lieutenant-Governor,

March, 1904.

RECRUITING.

1. No person shall recruit Chinese labourers for introduction into the Transvaal unless he is in possession of a licence to do so issued by the official mentioned in regulation No. 2.

Such licence shall be issued on such conditions as the said official may impose in accordance with instructions given to him by the Lieutenant-Governor.

All instructions issued to the said official shall be published in the *Gazette*.

CONTRACTS OF SERVICE.

2. Every contract of service entered into under the Labour Importation Ordinance, 1904, shall be signed by the labourers to be bound thereby in the presence of an official styled "Transvaal Emigration Agent" representing the Transvaal Government and stationed at such ports of embarkation as may be notified in the *Gazette*. Notice shall be given in the *Gazette* of the name and residence of each of the said officials.

3. The official mentioned in the preceding regulations shall, before any contract is signed by the labourers, explain to them in their own language the provisions thereof and also the clauses set forth in the schedule attached to the contract, and shall certify at the foot of the said contract that he has done so and that

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* No. 18 in [Cd. 1986].

the labourers who signed the contract did so voluntarily and without any undue pressure or misrepresentation.

No contract shall be registered at the office of the Superintendent not certified as aforesaid.

4. Every contract of service shall be signed by the parties thereto in duplicate original in the presence of the official mentioned in the preceding regulations, and shall be as nearly as possible in the form set forth in Form No. 1 to these regulations, and a certified copy of such contract translated into the Chinese language shall be delivered to each labourer by the said official. One duplicate original of the said contract shall be delivered by the said official to the Importer or his Agent who signed the said contract, and the other duplicate original shall be forwarded by the said official to the Superintendent.

5. No such contract shall be signed by labourers until they have been examined by a qualified medical practitioner and certified to as being mentally and bodily sound.

6. It shall be competent for any labourer to terminate his contract of service at any time without assigning any reason on tendering to his importer the expenses incurred in introducing him and his wife and children (if any) into the Transvaal, together with a sum sufficient to defray the expenditure necessary in returning them to the port in China at which they embarked.

Notice of the termination of any contract by the labourer shall be forthwith given by the employer to the Superintendent.

Renewal of Contracts.

7. Every renewal of a contract of service shall be in writing, and shall be signed by the employer and the labourers to be bound thereby in the presence of the Superintendent, who shall explain to them the nature and effect of such renewal.

The said renewal shall be as far as possible in the same form as the original contract, and shall be registered at the office of the Superintendent.

Applications for Licenses.

8. Any person desirous of obtaining a license to introduce labourers shall make application therefor to the Superintendent, stating the number of labourers proposed to be introduced by him, and the mine or mines where they are intended to be employed.

Every application shall as nearly as possible be in the Form No. 2.

9. Every such application received by the Superintendent shall be forwarded by him to the Lieutenant-Governor, but no license shall be granted to the applicant unless and until the Superintendent certifies to the Lieutenant-Governor :—

(1) That suitable accommodation for the housing of the labourers and suitable hospital accommodation and medical attendance at the mines where the labourers are to be employed will be ready on their arrival;

(2) That the bond and security mentioned in section twenty-two of the said Ordinance have been given by applicant.

Licenses.

10. Every license to introduce labourers shall be in the Form No. 3 to these regulations.

Transfer of Labourers.

11. (1) Every agreement for the transfer of the services of a labourer shall be in the Form No. 4 to these regulations, and shall be signed by the transferor, the transferee, and the labourer in the presence of and attested by the Superintendent, who shall before attestation, explain the full meaning and effect of such agreement to the labourer.

(2) No labourer shall leave the transferor's employment until the agreement for transfer or a certified copy thereof shall be registered at the office of the Superintendent.

(3) Every labourer whose services have been transferred shall before entering the employment of the transferee deliver up to the Superintendent his passport, and the Superintendent shall thereupon issue to him another passport, on which shall be impressed the number given to the labourer in the register of the Superintendent, the name of the transferee, and of the mine or mines at which the labourer is to be employed.

(4) Such passport shall be issued without any fee for the unexpired portion of the period for which the passport, delivered up by the labourer to the Superintendent held good.

12. The sanction of the Lieutenant-Governor to the transfer of the services of a labourer under section eleven of the said Ordinance shall be given in writing, and only on the production of a certificate signed by the Superintendent that the agreement of transfer has been explained to the labourer, and that he consents thereto, and has signed the same.

13. In the transfer of labourers as far as may be possible members of the same family and neighbours from the same village, and persons who may agree in representing themselves to be friends and associates shall not be separated from each other.

Passage of Labourers to South Africa.

14. (1) Every labourer who has signed a contract of service shall be carried from the port of embarkation in China or Hong Kong to the port of Durban in Natal in a ship whose master holds a certificate from the official mentioned in regulation No. 2 stationed at such port of embarkation.

(2) Such certificate shall only be granted on conditions as far as practicable similar to those prescribed in Ordinances 1899 to 1901 in force in Hong Kong for the granting of certificates to masters of ships for the conveyance of Chinese Immigrants.

(3) No such contract [? certificate] shall be granted by the aforesaid official unless and until;

(a) he has approved of the terms of the charter party under which such ship is chartered;

(b) he is satisfied that a proper supply of food medicines and medical comforts is provided on the said ship for the labourers and their families to be carried therein;

(c) a medical officer (who shall be a British subject) has been appointed by him to accompany such ship, and be in charge of the labourers and their families carried therein.

Arrival of Labourers at Durban.

15.—(1.) On arrival of such ship at Durban the said labourers and their wives and children accompanying them shall land and be medically examined in accordance with such laws and regulations as may be in force in Natal.

(2.) The Superintendent, or any Inspector authorised by him, shall meet all labourers arriving at Durban and make arrangements with the proper authorities for the conveyance of such labourers, with their wives and children, to the Witwatersrand District.

(3.) No labourer arriving at Durban in a ship other than one whose master has obtained the certificate mentioned in Regulation No. 14 shall be introduced into the Transvaal. Before any labourers are allowed to land the master of such ship must produce his certificate to such official as may be appointed to proceed on board and demand it.

(4.) The Superintendent, or any Inspector authorised thereto by him, shall satisfy himself that every labourer arriving at Durban for introduction into the

Transvaal signed his contract of service in accordance with the requirements of Regulation No. 3.

(5.) If the Superintendent or Inspector is satisfied with regard to any labourer that his contract does not comply with the requirements of Regulation No. 3, and that after understanding the said conditions and provisions as aforesaid, he is unwilling to proceed to the Transvaal under his contract, the said labourer, with his wife and children (if any), shall be returned to the port in China at which he embarked at the expense of his importer, and the Superintendent or Inspector, as the case may be, shall make the necessary arrangements for such return.

Vaccination.

16. Every labourer, and every woman and child accompanying a labourer, shall be vaccinated by the medical officer appointed by the Emigration Agent under Regulation No. 14 (3), either before embarkation or during the voyage from such port to Durban, unless such medical officer is satisfied that such labourer, woman or child has within six months prior to such embarkation been successfully vaccinated.

No labourer, woman or child shall be allowed to enter the Transvaal unless and until the said Medical Officer shall have certified in writing that this regulation in respect of such labourer, woman or child has been complied with, and such certificate shall be given by the said Medical Officer to the Superintendent or some person acting for him at Durban.

Depot.

17. (1.) There shall be established at some convenient place within the Witwatersrand District a depôt, under the control of the Superintendent, to which all labourers on arrival in the Transvaal, with their wives and children, shall, if required by the Superintendent, be taken and kept until handed over to their employers.

(2.) No labourer shall leave the said depôt until he is in possession of a passport, and has complied with such requirements for the purposes of identification as the Superintendent may demand.

(3.) Any labourer contravening this regulation shall be liable to a fine not exceeding five pounds, and in default of payment to imprisonment for a period not exceeding one month.

(4.) Any person who in any way aids or assists any labourer in leaving such depôt as aforesaid in contravention of this regulation, shall be liable to a fine not exceeding one hundred pounds, and in default of payment to imprisonment not exceeding twelve months, and (in case such person holds a license for the introduction of labourers) to forfeiture of his license.

Register.

18. The register required to be kept by the importer under section *sixteen* of the Labour Importation Ordinance shall be in the Form No. 5, and the monthly returns from such register made to the Superintendent shall be in the Form No. 6.

Register kept by Superintendent.

19. The Superintendent shall keep a general register of labourers and shall insert therein the name of every labourer introduced under the said Ordinance and shall in every year number each labourer by a particular number proceeding by regular numerical progression and shall distinguish therein under different heads the number and name, age, and country of every labourer, the name of the importer by whom such labourer was introduced, and of the person to whom the services of such labourer may be transferred, the period for which such labourer is bound, the date from which such period commences, and such other particulars as may from time to

time be given to the Superintendent under sections *sixteen* and *seventeen* of the said Ordinance.

Passports.

20. Every labourer shall carry a passport which shall be issued to him by the Superintendent. The passport shall be a tin ticket, on which shall be clearly imprinted the registered number of the labourer and the name of his employer.

There shall be paid by the employer on the issue or renewal of such passport a sum at the rate of *two shillings* for every month from the date of its issue or renewal until the 31st day of December of the year in which it was issued or renewed.

Care and Treatment of Labourers when Sick.

21. Every employer shall provide his labourers and their wives and children residing on his premises with medicine and medical attendance during illness and any employer who neglects to do so shall for every such offence be liable to a penalty not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding three months, and shall further be liable to pay any reasonable expense incurred by the Superintendent in providing such medicine and medical attendance.

Work.

22. Every employer shall be bound to give work to every labourer for six days in every week except on the days mentioned in the next succeeding regulation and on days when it is impossible for work to be done by reason of bad weather or other cause; and if any labourer, willing and able to work, has no work given to him to do on any working day he shall be entitled to his full day's working wages for every day so lost to him, provided always that by mutual consent one or more days' leave may be given and taken without wages.

23. Every labourer in the absence of any express agreement to the contrary and except in the case of sickness or of such bad weather or such other good cause beyond his control as prevents his working shall be bound to work in the service of his employer for ten hours in every twenty-four by day or night except Sundays and day of Chinese festivals specified in the contract.

Wages.

24. The wages of every labourer shall be paid monthly in current coin of the realm in accordance with his contract, and no payment of wages to a labourer shall be of any force or effect unless the same has been made as aforesaid.

Wages paid during Currency of Agreement not to be Deducted.

25. No employer shall deduct any sum from the wages of a labourer in respect of moneys paid during his term of service save and except such sum as may have been advanced to the labourer before arrival in the Transvaal and certified to by the official before whom the contract of service is signed unless such moneys have been paid with the consent, in writing, of an Inspector or Magistrate.

Store Account not to be deducted from Wages.

26. No employer of a labourer shall charge him with the payment of any moneys on account of stores supplied to such labourer or deduct any sum in respect thereof from the wages due to him.

Wages of Labourers to be recovered by Inspector.

27. If the wages of a labourer are due, an Inspector may demand payment of the same from the employer; and if such wages remain unpaid for a period of fourteen days after demand has been so made, the Inspector may sue for and recover the same on behalf of the labourer in any competent Court.

Wages of Deceased Labourers.

28. In the event of a labourer dying during his time of service, the employer shall pay to the nearest Inspector or to the Superintendent the whole of the wages which would have been payable to such labourer up to the date of his death, and the Superintendent shall forward the sum so paid to the person who is entitled thereto.

29. Any labourer instead of working for day wages may, if desired, both by himself and his employer do piece work at such rate as may be mutually agreed upon between himself and his employer. Any labourer may make any bargain he pleases with his employer for working at any time extra hours.

30. Every employer shall provide and keep at such mine at which he employs labourers a book to be called a pay-book showing the daily earnings of such labourers. The pay-book shall be in such form as the Superintendent may require and shall at all times be open for inspection by the Superintendent.

31. Any employer neglecting to keep such book as aforesaid shall be liable to a fine not exceeding one hundred pounds and in default of payment to imprisonment for a period not exceeding six months.

32. Every employer once in every year on receiving forty-eight hours' notice in writing signed by the Superintendent and also at all times on receiving a like notice signed by the Lieutenant-Governor shall muster and produce before the Superintendent or other officer named in such notice at or near the respective places of employment, all labourers employed by him.

Any employer contravening this regulation shall be liable to a fine not exceeding one hundred pounds and in default of payment to imprisonment for a period not exceeding three months.

Women and Children.

33. Every labourer shall be entitled to be accompanied by his wife and children under the age of ten years at the expense of the importer; and every labourer who, after being introduced into this Colony, desires his wife and children under the age of ten years to join him in the Transvaal may, provided that before or at the signing of his contract such labourer shall have registered with the official before whom the contract is signed the names and residence of his wife and children and the respective ages of the children, require his employer to introduce them at his (the employer's) expense, and on the employer refusing to do so, the labourer shall be entitled to terminate his contract and thereupon shall be returned to the port in China at which he embarked, in pursuance of his contract, at the expense of the importer.

34. In any case in which the services of a labourer are transferred by the importer to some other person who holds a licence to import labourers the wife and children of such labourer shall not be separated from him, but the transferee shall provide proper accommodation for such wife and children on the premises on which the labourer is employed and shall be liable for the expense incurred in returning the wife and children of such labourer to the port in China at which they embarked, in case such labourer dies while in the service of such transferee as aforesaid, or any of the events happen during such service which render such labourer liable under the Ordinance to be returned to his country of origin.

Before such transfer is sanctioned by the Lieutenant-Governor the Superintendent shall certify that the transferee has complied with the conditions (1) and (2) in the next succeeding regulation.

35. The wives and children of labourers shall not be introduced into the Transvaal except by a duly licensed importer, who shall, before such introduction, obtain a licence therefor from the Lieutenant-Governor, but no such licence shall be issued until the Superintendent certifies to the Lieutenant-Governor:—

(1) That suitable accommodation for the housing of such wives and children on the premises on which the labourers to whom they belong are employed will be ready on their arrival;

(2) That a bond with proper security has been entered into by the importer for the return of such wives and children to the port in China at which they embarked, in accordance with the provisions of the Ordinance.

36. Every importer shall keep a register of the wives and children of labourers residing on his premises in the Form No. 8, and shall enter therein all births and deaths occurring among them, and shall cause a return in the Form No. 9 to be made to the Superintendent once every month of the number of such women and children on his premises, and the number of births and deaths during the preceding month; and in the case of the death of any woman or child, he shall forthwith forward to the Superintendent a medical certificate as to the cause of death.

Any contravention of this regulation by the importer shall be punishable with a fine not exceeding one hundred pounds and in default of payment to imprisonment for a period not exceeding six months.

37. (1) The Superintendent shall issue to every woman introduced under the said Ordinance on her arrival a passport which shall be in form similar to the passport issued to a labourer, and shall have imprinted thereon the registered number of the holder, the premises on which she resides, and the registered number of the labourer of whom she is the wife.

(2) Every woman shall be liable to the penalties imposed under Sections *nineteen* and *twenty* of the said Ordinance for being without her passport or being away from the premises on which she resides without a permit granted to her by the owner of such premises or by some person authorised thereto by the owner. Such permit shall authorise the woman to whom it is issued to be absent from such premises for a period not exceeding forty-eight hours from the time it was issued, and shall be in the Form No. 7.

(3) On the transfer of the services of any labourer, the wife of such labourer shall deliver up her passport to the Superintendent, who shall thereupon issue to her a new passport having imprinted thereon the name of the transferee and the premises on which such woman is to reside.

(4) The provisions of Sections *twenty-six* and *twenty-eight* of the said Ordinance shall, *mutatis mutandis*, apply to every woman introduced thereunder.

Return of Labourers to China.

38. Every labourer on the expiration of his contract of service or on the happening of any of the events which under the said Ordinance or under these regulations renders a labourer liable or entitled to be returned to his country of origin, shall, subject to such directions as the Superintendent may give, be sent to the Depôt by his employer, and there kept at the expense of such employer until he can be returned through Durban, Natal, to the port in China at which he embarked.

39. Every labourer on being returned to China shall be returned only in a ship the master of which is in possession of a certificate authorizing him to carry labourers.

40. The said certificate shall be issued by an official authorized thereto, and stationed at Durban on the same conditions as those required under Regulation No. 14 for the granting of a certificate to the master of a ship carrying labourers from China to Durban.

(Form No. 1.)

Contract of Service.

It is this day agreed between A.B., acting for and on behalf of C.D., carrying on business within the Witwatersrand District, Transvaal, South Africa,

and the labourers who are signatories to this contract, in the presence of E.F., Transvaal Emigration Agent at , and representing the Government of the Transvaal, as follows:—

1. The said labourers shall proceed to the said Witwatersrand District and shall there work for the said C. D. or for any person to whom the said C.D. may, with the consent of the said labourers, assign his rights under this contract, in accordance with the provisions of the Labour Importation Ordinance, 1904, and any regulations made thereunder for a period of three years, to commence from the date of the arrival of the said labourers in the Witwatersrand District, subject to the following conditions:—

(1.) Each of the aforesaid labourers so long as he remains in the Transvaal shall be employed only in unskilled labour (meaning thereby such labour as is usually performed in mines in the Witwatersrand District by persons belonging to the aboriginal races or tribes of Africa, south of the equator), in the exploitation of minerals within the Witwatersrand District, and in particular he shall not be employed in any of the trades or occupations following, except for unskilled labour therein, to wit:—

Amalgamator, assayer, banksman, blacksmith, boilermaker, brass-finisher, brass-moulder, bricklayer, brickmaker overseer, carpenter, clerk, coppersmith, cyanide shiftsman, drill sharpener, driver of air or steam winch, driver of mechanical or electrical machinery, electrician, engine driver, engineer, fireman overseer, fitter, ganger, iron-moulder, joiner, machine rock driller, machine sawyer, machinist, mason, mechanic, miller, millwright, mine carpenter, mine storeman, miner overseer, onsetter, overseer (in any capacity other than the management and control of labourers), painter, pattern-maker, pipeman, plasterer, platelayer, plumber, pumpman, quarryman overseer, rigger, sampler, signaller, skipman, stonecutter, timberman, timekeeper, tinsmith, turner, wire-splicer, woodworking machinist.

(2.) Each of the said labourers shall for the period fixed in this contract only serve the said C.D., or any person who has obtained a license under the Labour Importation Ordinance to introduce labourers, and to whom the rights of the said C.D. under this contract may have been duly transferred with the consent of such labourer.

(3.) Each of the said labourers shall, on the determination of this contract by effluxion of time or otherwise, be returned without delay at the expense of the said C.D. to (here state port in China at which labourer embarked).

(4.) Each of the said labourers shall, so long as he remains in the Transvaal, be subject to the provisions contained in the Labour Importation Ordinance and the regulations made thereunder, and more especially to such of the said provisions as are substantially set forth in the schedule to this contract.

(5.) The labourers shall be paid at the rate of for each working day of ten hours, payable on the completion of every thirty days' work, in the currency of the Transvaal, to commence from the arrival of the labourers on the premises of the said C.D.

(6.) Any labourer instead of working for day wages may, if desired both by himself and the said C.D., do piece work at such rate as may be mutually agreed upon between himself and the said C.D.; but only the actual days employed on such piece work shall be reckoned in the period of service.

(7.) The labourers shall be provided, free of any charge, with housing, water, fuel, medical attendance, and with daily rations on the following scale:—

1½ lbs. of rice.
½ lb. dried or fresh fish or meat.
½ lb. vegetables.
¼ oz. of tea.
½ oz. of nut oil.

Salt or approved substitute at discretion of Superintendent.

(8.) The said C. D. shall be bound to give work to each of the said labourers for six days in every week, except on Sundays and on the days of Chinese festivals, mentioned in paragraph (16), and on days when it is impossible for work to be done by reason of bad weather or other cause; and if any labourer, willing and able to work, has no work given to him to do on any day not included in the aforesaid exceptions, he shall be entitled to his full day's working wages for every day so lost to him; provided always that by mutual consent one or more days' leave may be given and taken without wages.

(9.) Each of the said labourers, in the absence of any express agreement to the contrary and except in the case of sickness or of such bad weather or other good cause beyond his control as prevents his working, shall be bound to work for ten hours in every twenty-four by day or night, save on Sundays and on the days of Chinese festivals mentioned in paragraph (16).

(10.) The said C. D. shall not make any deduction from the wages of any of the said labourers in respect of moneys paid to him during his term of service, save and except such sum as has been advanced to such labourer by the said C. D. and set opposite his signature to this contract unless such moneys have been paid with the consent in writing of an Inspector or Magistrate.

(11.) There shall not be reckoned in any labourer's term of service any period of imprisonment, desertion, or unlawful absence from work, nor shall any labourer be entitled to any wages for any day during which he has been absent from work through sickness or any other cause.

(12.) Each labourer acknowledges to have received from the said C. D. an advance of the amount set opposite to his signature, which shall be deducted by instalments from his pay at the rate of .

(13.) In the event of any labourer being killed or permanently injured in the course of his employment, compensation will be paid by the said C. D.
to him or to his next of kin, as the case may be, at the following rates:—

In the case of death, £ .
In the case of permanent total disablement, £ .
In the case of permanent partial disablement, £ .

(14.) Any labourer may at any time terminate this contract without assigning any reason on tendering to the said C. D. the expenses incurred in introducing him and his wife and children into the Transvaal, together with a sum sufficient to defray the expenditure necessary in returning them to (here state port in China at which labourer embarked).

(15.) Every labourer shall be entitled to be accompanied by his wife and children under the age of ten years at the expense of the said C. D., and every labourer who, after being introduced into this Colony, desires his wife and children under the age of ten years to join him in the Transvaal, may, provided that before or at the signing of his contract such labourer shall have registered with the official before whom this contract is signed the names and residence of his wife and children and the respective ages of the children, require the said C. D. to introduce them at his (the said C. D.'s) expense, and on the said C. D. refusing to do so, the labourer shall be entitled to terminate his contract, and thereupon shall be returned to (here state port of embarkation), in pursuance of his contract, at the expense of the said C. D.; provided always that the wife and children of a labourer shall be maintained at his own expense after his arrival at the premises of the said C. D., where he is to be employed.

(16.) The Sundays and following Chinese festivals shall be holidays:—

Chinese New Year, three days.
Dragon Boat Festival, one day.
Full Moon Festival, one day.
Winter Solstice Festival, one day.

(Signed) A. B. on behalf of C. D.
(Each labourer must here sign his name or make his mark.)

At
On this the
day of

CERTIFICATE.

I, the undersigned, do hereby certify that the above contract was entered into in my presence, and that I carefully explained to the labourers bound thereby, in their own language, and prior to their signing the said contract, the provisions thereof and of the schedule attached thereto.

I further certify that the said labourers voluntarily signed the said contract, and I am not aware of any undue pressure or misrepresentation by which they were induced to sign.

I further certify that the amounts set opposite the respective signatures of the labourers were acknowledged by them in my presence, and have been received by them.

(Signed)
(Transvaal Emigration Agent at .)

SCHEDULE TO CONTRACT.

No liquor, mining, trading, general dealer's, importer's, hawker's, or other licence whatever shall be granted to any labourer or to any person on behalf of or as agent or trustee for any labourer; nor shall it be lawful for any labourer to acquire lease or hold either directly or indirectly any house land building or fixed property or any mynpacht claim stand or any right whatever to minerals or precious stones either in his own name or in the name of any person on behalf of or as agent or trustee for him.

Every labourer shall always carry a passport, which his employer shall obtain for him from the Superintendent.

No labourer after being introduced into the Transvaal shall leave the premises on which he is employed without a permit signed by some person authorized thereto by his employer; and no such permit shall authorize the absence of the labourer to whom it is issued from the premises on which he is employed for more than forty-eight hours from the time it was issued; nor shall any such permit authorize any labourer to go outside the Witwatersrand District.

Any person leaving the premises on which he is employed without such permit or having received such permit remains absent from such premises for more than forty-eight hours, or goes outside the Witwatersrand District, shall be liable on conviction to a fine not exceeding ten pounds, and in default of payment to imprisonment for a period not exceeding one month.

(1.) Any Inspector appointed under the Labour Importation Ordinance, and any police officer may demand from a labourer the production of his passport, and, if he is absent from the premises on which he is employed, the permit mentioned in the last preceding paragraph.

(2.) Any labourer who fails to produce his passport or permit (in case he is absent from the premises on which he is employed) when asked to do so may be arrested, and on conviction for being without such passport or permit, as the case may be, he shall be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment for a period not exceeding one month.

(3.) On payment of such fine or expiration of such sentence of imprisonment as

may be imposed under the last preceding paragraph the labourer may be sent back to his employer, and in case his employer cannot be found, and he refuses to be engaged to any other person authorized to employ labourers imported under the Labour Importation Ordinance he may be forcibly sent back to China.

In reckoning the term of service for which a labourer is bound under his contract for the purpose of ascertaining when such term expires all periods shall be excluded during which the labourer has been absent from his work owing to any of the following causes:—

(a) imprisonment after conviction of any offence;
(b) desertion from service;
(c) unlawful absence from work duly certified as such by the Superintendent.

If a labourer who has contracted to serve in the Transvaal shall, after his arrival there, refuse, without good and proper reason, to proceed to the place where his service is to be performed or to perform such service, he may, in addition to any other penalty to which he may be liable, be ordered to be returned to China.

In the case of every labourer who under the conditions of his contract or the provisions of the Labour Importation Ordinance is required to be returned to China, the Superintendent shall take all necessary steps for his return at the expense of the importer; provided that where any labourer is ordered to be returned on account of any offence committed by him the importer shall be entitled to deduct the cost of so returning him from any wages then due to him.

(1) Any labourer liable to be returned to China who refuses to return may be arrested without warrant and brought before a Magistrate and shall upon conviction be liable to a fine not exceeding ten pounds and, in default of payment, to imprisonment for a period not exceeding three months.

(2) If any labourer sentenced to pay a fine or suffer imprisonment under the last preceding paragraph shall, after the payment of such fine or expiration of the term of imprisonment, as the case may be, refuse to return to China, he may be forcibly sent back to such country by the Superintendent.

Any labourer who enters the Transvaal, unless he previously enters into a contract of service, shall be liable on conviction to the penalties mentioned in paragraph 4 of this schedule.

Any labourer who shall desert from the service of his importer or shall refuse to work for him when required to do so, or who shall unlawfully absent himself from work, or who shall perform any work or carry on any business other than that of unskilled labour in the exploitation of minerals, or who shall enter the service of any person other than that of the person importing him or of the person to whom his contract has been lawfully transferred under the Labour Importation Ordinance, shall be liable to a fine not exceeding twenty-five pounds and, in default of payment, to imprisonment for a period not exceeding two months.

Any labourer who shall have any interest, whether as partner or otherwise, in any trade or business shall be liable to a fine not exceeding fifty pounds and, in default of payment, to imprisonment for a period not exceeding three months.

(Form No. 2.)

APPLICATION FOR A LICENCE.

I, (state full name and description of applicant), do hereby apply for a licence under the Labour Importation Ordinance, 1904, authorising me to introduce (here state number proposed to be introduced) labourers from China to be employed at the following mines:—

(Here state the mines at which labourers are to be employed.)

Dated this day of .

(Applicant's Signature.)

The above application lodged with me this day of .

(Signature of Superintendent.)

(Form No. 3.)

LICENSE TO INTRODUCE LABOURERS.

In pursuance of the provisions of the Labour Importation Ordinance, 1904, I hereby authorise (here give name and description of person to whom license is granted) to introduce into the Witwatersrand District, through the port of Durban, Natal, (state number of) labourers from the port of (state name of port of embarkation of labourers in China or Hong Kong), to be carried to Durban in the ship (state name of ship and of owner or charterer thereof), to be employed in unskilled labour only in the exploitation of minerals at the following mines, situated in the Witwatersrand District :—

(Here state mines at which labourers are to be employed, with the number of labourers, if possible, at each mine.)

This license is granted on the terms and conditions of the Labour Importation Ordinance, 1904, and any regulations made thereunder, and more particularly on the condition that the labourers to be introduced under this Ordinance shall be carried from the port in China or Hong Kong, at which they embarked for Durban in a ship, the Master of which holds a certificate granted by the Transvaal Immigration official at the port of embarkation, under Regulation No. 14 of the Regulations issued under the said Ordinance.

This license may be cancelled and the holder thereof disqualified from again holding a license on breach by him of any of the conditions on which the license is issued.

Given under my hand and seal at
this day of

Lieutenant-Governor.

N.B.—This license is to be returned to the Superintendent when the number of labourers mentioned has been introduced.

(Form No. 4.)

We (name and address of employer, and names of labourers engaged with their registered numbers), being respectively the employer and labourers under a contract of service made before (name of official before whom contract was entered into) at on the day of do hereby agree that all the rights and obligations of the employer under the said contract are hereby transferred as at the date hereof to (name and address of transferee) who hereby agrees to accept the said transfer and the contract hereby transferred with all its rights and obligations.

A. B.,
C. D.,
I.,

Signatures of transferor, transferee, and labourers.

The above transfer was signed by all the parties thereto, its nature and effect having been first fully explained to the labourers above named by me.

At this day of , 190 .

G.H.,
Superintendent of labourers.

Form No. 5.

Importers General Register kept under Section sixteen of the Labour Importation Ordinance, 1904.

Name of Labourer.	Registered number.	Name of ship in which labourer arrived.	Date of contract.	Period of contract.	Date of arrival at premises of Employer.	Date when due for return to China.	Transferred.		Date of death.	Desertion.		Unlawful absences, with dates.	Remarks.
							Employer to whom	Date on which		Date of	Date of return from		

Form No. 6.

RETURN of Number of Labourers introduced by and transferred by
or to A.B., during the month of 190 , under Section 16 of the Labour
Importation Ordinance, 1904.

Names and registered numbers of labourers introduced during month.	Names and registered numbers of labourers transferred by A.B. to C.D. during month.	Names and registered numbers of labourers transferred to A.B. by C.D., during month.	Names and registered numbers of labourers who have deserted during month and not returned.	Names and registered numbers of labourers who have deserted and returned, giving number of days in each case during which labourer was absent.	Names and registered numbers of labourers convicted of desertion during month, and punishment in each case, with date of conviction. Say whether fine paid or not.	Names and registered numbers of labourers unlawfully absent from work during month giving in each case the reason and length of absence.	Names and registered numbers of labourers who have died during the month.	Total number of labourers in employ of A.B. on last day of month.

Form No. 7.

Form of Permit.

To be issued under section of the Labour Importation Ordinance.

(Name of premises.)

Permission is hereby granted to (name and registered number of grantee) for absence from (name of premises on which grantee is employed or resides) for a period of hours.

(Signed)

(Capacity of person signing.)

Issued at o'clock on the day of , 190 .

Form No. 8.

Importer's Register of Wives and Children.

Registered No.	Name of Wife.	Children.			Name of Husband.	Registered No. of Husband.	Remarks (including Births and Deaths).
		Name.	M. or F.	Age.			

Form No. 9.

Return of Number of Wives and Children on the Premises of A. B. on the day of , 190 .

Number of wives, .

Number of children, .

Number of births during month of

Number of deaths during month of { Wives, .* Children, .*

Form No. 10.

Return made by Importer under Section Thirteen of Ordinance No. 17 of 1904.

Labourers introduced by A. B.

1. Total number of labourers, .
2. Places at which such labourers are to be employed, .

* Names and Registered Numbers.

No. 22.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 11.50 p.m., April 13, 1904.)

TELEGRAM.

(Extract.)

[*Answered by No.* 26.]

April 13. No. 4. Your telegram of 8th April No. 2.* I have had much discussion with Chamber of Mines on subject. They point out that question of health depends not on absolute number but on amount of space to each man, that the large ships, some of which they have already chartered at great cost, are specially constructed and arranged to accommodate large numbers of coolies and are absolutely healthier than vessels of larger size not specially adapted for coolie traffic. On the other hand the smaller coolie ships are unsuitable for long voyage. They point out that unless ships satisfy Hong Kong Regulations which provide, *inter alia*, for space in proportion to numbers carried, they cannot obtain certificates, and contend that these precautions are sufficient.

I am satisfied that their objections are reasonable and so is Evans. You must bear in mind that Chamber of Mines are as anxious as anyone can possibly be to make immigration a success and are perfectly alive to the danger of introducing especially the trial cargoes on any but the most favourable conditions. As regards Surgeon Superintendent, &c., Chamber of Mines are prepared, if you press the point, to engage one Surgeon Superintendent, one qualified assistant, and two dispensers for each 1,000 coolies.

No. 23.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 9 p.m., April 13, 1904.)

TELEGRAM.

April 13. No. 3. Every effort is being made to hasten agreement with Chinese Minister.

No. 24.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 9 p.m., April 13, 1904.)

TELEGRAM.

(Extract.)

[*Answered by No.* 27.]

April 13. No. 2. Your telegram 29th March No. 3.† I have, as you are aware, stated on several occasions in the House of Commons that I do not consider it desirable or necessary to specify a minimum wage in the Ordinance, but I have said that I have no fear that the standard of wages of the Chinese will be lower than that of Kaffir labourers. In my speech on the 21st March I stated, on the authority of persons in London interested in the mining industry, that Chinese would receive at least 2*s.* a-day. You will remember that Skinner's Report stated that Chinese labour would be in no sense cheap ; the controversy has proceeded here on this premise. Lord Grey in the

* No. 19. † No. 15.

House of Lords spoke of 45*s.* as about the monthly wages expected to be paid. This, I understand, is the amount paid to the British Central Africa natives recruited under the arrangement of last year. I have always thought that the Chinaman would be capable of making a satisfactory bargain for himself if fully informed of all the circumstances, including rates prevailing in Transvaal, and I have hitherto assumed that the Chinese would not receive less wages than Kaffirs now receive. I really cannot defend an arrangement by which Chinese would be used to lower Kaffir wages current now and before the war. Having regard to the fact that the minimum rate of 15 dollars now proposed is actually less than that to which mines endeavoured to lower Kaffir wages after the war, the proposed minimum would arouse much opposition among reasonable critics, and on this ground, as well as looking to the possible effect upon Kaffir labour and feeling, a lowering of wages as the initial result of the introduction of Chinese is to be deprecated. Wages should be stated in sterling, not in dollars, so as to avoid any grievance arising from fluctuations of exchange. Object I have in view may probably be attained if piecework is at labourer's option at rates so adjusted for piecework as to enable the labourer to secure the ruling standard wage, say about 50*s.*, without excessive pressure. If the Chinese find themselves on arrival worse paid than Kaffirs serious trouble is highly probable, with disastrous results to the continued success of the experiment.

No. 25.

Governor VISCOUNT MILNER to Mr. LYTTELTON.

(Received 12.47 a.m., April 15, 1904.)

Telegram.

April 14. No. 3. A deputation from the Chamber of Mines, Chamber of Trade, and Chamber of Commerce, headed by their respective Presidents, came to see me to point out "the serious consequences which are likely to ensue from the prolonged delay in giving effect to the Labour Importation Ordinance." The Memorial dwelt on the fact that "the Ordinance passed the Legislative Council on 10th February and His Majesty's pleasure not to disallow the same was notified on 12th March. Since that date the law has been the subject of frequent debates in Parliament but the Chambers and the general public in Johannesburg are still in the dark as to when the Ordinance is to come into force and when the Regulations for the administration thereof are to be published It goes on to say "the Ordinance is not yet in force and as regards the Regulations it is stated that they are the subject of negotiations between the Chinese Minister and Representatives of the Foreign Office and Colonial Office which seem likely to last a considerable time. The hope of an early settlement has already led to a general revival of confidence. But the prolongation of the delay is likely to shake this confidence and a serious postponement will now have most unfortunate effects. The Chambers understand that, relying on an early settlement, the representatives of mining houses have made provisional arrangements in China, and that the terms offered appeared to give satisfaction to the Chinese. The delay has already been prejudicial to arrangements and any further postponement is likely to have serious results. The Chambers further understand that the representatives of the mining houses have expressed their willingness to conform to any reasonable requirements that may be inserted in the Regulations, and that wherever any questions have been raised by the Representatives of Government they have met all suggestions to the utmost of their ability. The deputation therefore desires respectfully to urge upon your Excellency the acuteness of the present position and the urgent need for a decision on the Regulations."

The Memorial was spoken of by the Presidents in brief speeches manifesting a feeling of much anxiety. I promised to cable the substance of their representations to you.

No. 26.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 5.10 p.m., April 15, 1904.)

Telegram.

April 15. No. 1. Your telegram No. 4, 13th April.* I am prepared to withdraw objection to more than 1,000 coolies being shipped in one vessel on the understanding that medical staff is provided in the proportion of one Surgeon Superintendent, one qualified assistant, and two dispensers for every 1,000 coolies.

No. 27.

Gonernor VISCOUNT MILNER to Mr. LYTTELTON.

(Received 11 p.m., April 15, 1904.)

Telegram.

[*Answered by No.* 30.]

April 15. No. 3. Your telegram of 13th April No 2.† Wages have been stated in China at sterling rates. Mines are willing to fix rates at 2*s.* for dollar. Intention has always been to introduce piece-work at rates based on to-day's wages. Scale of remuneration will enable average worker without excessive pressure to earn 50 per cent. more than day's pay. Best should earn double day's pay. Whether on piece-work or not all will be given full opportunity to earn more than minimum according to class of work and capability. Mines asseverate, and I absolutely believe them, that object of minimum is not to cheapen labour but to (?) against skulkers. Having regard to great cost of bringing Chinamen here it really seems to me that they must so protect themselves to some extent. Agents in China cable that coolies freely offer themselves at minimum rates with guarantee of piece-work.

No. 28.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 10.30 p.m., April 16, 1904.)

Telegram.

April 16. No. 1. Terms of Convention have now been settled with Chinese, except two points in the Schedule, as to which I will telegraph later.

Convention is as follows. After referring to Treaty of 1860 :—

Begins: [*See Convention printed as signed in Appendix.*].—*Ends.*

The Articles will be telegraphed on Monday to Peking and recommended by Chinese Minister here for acceptance by the Central Government, and I hope that the Convention may be signed at the end of the week or very soon after. The Minister at Peking is being sent instructions to endeavour to prevent any delay on the part of the Chinese Government. I presume that notification under Article (1) with regard to Tien-tsin should be made as soon as the Convention is signed.

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* No. 22.

† No. 24.

No. 29.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received April 16, 1904.)

Governor's Office, Johannesburg, March 28, 1904.

SIR,

I HAVE the honour to transmit to you a copy of despatches which I have addressed to the Governor of Hong Kong and the Consul-General at Tientsin, enclosing copies of Instructions to be followed by the Transvaal Government Agents to be stationed at those ports under the terms of the Labour Importation Ordinance.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 29.

GOVERNOR, Transvaal, to GOVERNOR, Hong Kong, and HIS BRITANNIC MAJESTY'S CONSUL-GENERAL, Tientsin.

Governor's Office, Johannesburg, March 19, 1904.

SIR,

I HAVE the honour to transmit to you a copy of the Instructions which have been approved by the Transvaal Government for the guidance of its Emigration Agents appointed in China under the Labour Importation Ordinance.

This Ordinance has, as you are aware, received the sanction of His Majesty's Government, and arrangements are now being completed for putting it into operation. The selection of a Government Agent at $\frac{\text{Hong Kong}}{\text{Tientsin}}$ will, I trust, have been made by the time that these Instructions come into your hands, and I shall be glad if you will place him in possession of them at once.

I am addressing a similar communication to the $\frac{\text{Consul-General, Tientsin.}}{\text{Governor, Hong Kong.}}$

I have, &c.,
MILNER,
Governor.

His Excellency the Governor,
Hong Kong.

His Britannic Majesty's Consul-General,
Tientsin.

INSTRUCTIONS FOR TRANSVAAL EMIGRATION AGENTS IN CHINA.

1. *Recruiters.*

Regulation 1. You will issue licenses only to fit and proper persons, such licenses to be revoked at your pleasure if you are satisfied that improper means of recruiting are used.

Each recruiter should be photographed in duplicate. One copy to be attached to the license and one copy to be kept in your office.

A fee of 10 dollars will be charged by you for every license issued.

2. *Depôt.*

You will acquire suitable premises to be used as a depôt for the reception of intending labourers. Depôt watchmen, clerks, &c., will be engaged by you as required.

Regulation 5. A fee of one dollar together with a sum sufficient to cover the expenses of residence in the depôt will be paid to you by the recruiter for every intending labourer brought to the depôt. A medical certificate must be brought with each labourer, and filed in your office.

The contract* will then be roughly explained to the labourer by you or in your presence, and on his accepting the same he will be admitted to the depôt. Copy attached.

Each intending labourer will remain in the depôt for at least 48 hours—unless at any time previous he expresses a desire not to sign the contract when he will be at once released. During this 48 hours he must have every opportunity of studying the terms of the contract, and discussing it with you or your officers. Copies, in Chinese, of the contract should be freely distributed amongst the men in the depôt. They should then be asked individually if they wish to proceed to South Africa. The contracts should then be prepared, and in your presence carefully explained to the labourers who will sign or make their marks in your presence. Advances will be certified to by you if you are satisfied that they have been duly made. Will be supplied by Agent—if not you will get them made. Regulation 3.

No recruiter or outside person should have access to the labourers while in the depôt, except with your express approval, and in your presence.

If you have any reason to be dissatisfied with the medical certificate accompanying any labourer you should request the Surgeon Superintendent of the ship by which such labourers are to travel to visit the depôt and make a further examination. You will be guided entirely by his advice.

In the event of a man declining to sign the contract, and being sent away from the depôt you should not, as a rule, accept him again as an intending labourer.

3. *Contract.*

The contract will be signed in duplicate original, one copy to be handed to the Employer's Agent, and one copy to be forwarded to me in charge of the Master of the ship in which the labourers sail. A draft copy will be filed in your office, and a register of such contracts will be kept by you. Regulation 4.

Do not number the contracts. I will number them on arrival here, and send the numbers to you for record. This is in order to avoid confusion here if contracts are signed before more than one official in China.

A certified copy of the contract, in Chinese, will be given to each labourer. Regulation 4.

No contract will be signed by you except as set out in Instruction No. 2 above.

4. *Shipping.*

The master of every ship in which labourers are to be carried to South Africa must hold a license from you. A fee of 500 dollars will be charged by you for such license which will remain in force for one round trip only. Regulation 14.

You will only grant such license—

(i) if the ship and its appointments, &c., are in every way equal to the requirements of the Hong Kong Ordinances referring to Chinese Immigrant Ships. You must take into consideration the length of the voyage which may be put at four weeks, from Hong Kong to Durban.

(ii) if you approve of the Charter Party, which will be submitted to you by the Employer's Agent.

You must not in any circumstances permit labourers to embark on a ship which does not hold your license, as they will not be permitted to land in South Africa. Regulation 15 (3).

A Surgeon Superintendent (who must be a British subject, and a qualified medical practitioner) will accompany the labourers on each ship. He will be appointed by you on the recommendation of the Employer's Agent in China or otherwise.

You will see that the labourers proceed direct from the depôt to the ship. After signing the contract they may, if necessary, be accommodated in the depôt pending the ship's departure. They must not be allowed to go elsewhere, except with your express permission.

The Surgeon Superintendent will be instructed to grant a certificate to the Master of the ship on the completion of the voyage, if the Charter Party has been

* In Enclosure in No. 21.

duly fulfilled. In the absence of such certificate you will not grant a license for any further voyages by such ship.

5. *Vaccination.*

Regulation 16. As this is insisted upon before entry into the Transvaal, all labourers, women and children, must be vaccinated either in the depôt or on the voyage, and this you should arrange with the Surgeon Superintendent. A formal certificate must be given in each case or for each batch of persons so vaccinated, and this certificate should be handed to me with the contracts.

6. *Identification.*

A good photograph, with name (in English and Chinese), age, marks of identification (scars, blemishes, &c.), endorsed on the back should be obtained for each labourer, and forwarded to me with the contract. You will, of course, keep a copy in your office.

7. *Addresses.*

You will carefully record the names and addresses of the parents, wives and children of each labourer, and in the case of children the sex and date of birth. One copy will be forwarded to me as soon as convenient, and one copy kept in your office.

In the case of remittances to China I propose to remit to you, and you will arrange to forward the money to its destination. If, however, local Chinese traders undertake the business I will not interfere.

8. *Wages.*

Labourers will be paid in sterling. Advances, which will naturally be in dollars, will be converted by you at the rate of the day, and so entered in the contract thus: £2 (twenty dollars at two shillings). The deductions will be in sterling.

Explain to the labourers possible fluctuations of exchange.

9. *Accounts.*

The Government of the Transvaal will open a credit for you with the Hong Kong and Shanghai Banking Corporation.

You will pay all charges from this, including your own salary, and pay in all fees, &c.

You will forward to the Government of the Transvaal a quarterly statement of accounts, with receipts and vouchers where practicable, and as soon as possible estimates of your receipts and expenditure.

No. 30.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 1 p.m., April 19, 1904.)

TELEGRAM.

[*Answered by No.* 32.]

April 19. No. 1. Your telegram 15th April No. 3.* The difficulty of position will be greatly increased if contract contains, even as a minimum, the rate of wages to which the mines endeavoured to reduce natives after termination of war and if the wage which an average labourer may expect to earn by piece work is at all less than the 50*s.* which represents present native average. If, as I gather from your telegram, the

* No. 27.

contract gives a guarantee of piece work, why not omit reference to day work and minimum wage and make contract provide only for piece work at such rates for the different kinds of work as will enable average worker to earn 50*s.* for thirty days, working ten hours' shifts? If it is not found possible to put this so as to be intelligible to the emigrant, a day rate of 1*s.* 6*d.* might be adopted and it would be reasonable to assume that if this, which equals 45*s.* a month, is fair rate for day work, labourer could earn from 50*s.* upwards on piece work; or, as an alternative, the day rate must be fixed so as not to give a lower wage for thirty days' work than that earned by the least well-paid form of Kaffir labour on the mines.

I am convinced that unless an alteration of the contract is made in one or the other of these directions, there will be risk of discontent among the emigrants and it is not in the interest of the mines to incur any such risk.

No. 31.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 11.30 a.m., April 20, 1904.)

TELEGRAM.

[*Answered by No.* 36.]

April 20. No. 1. In connection with questions in Parliament, I shall be glad to know what is the view of your medical experts now as to probable risk of extension of plague epidemic through importation of Chinese and how they would propose to diminish risk.

No. 32.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.25 p.m., April 21, 1904.)

TELEGRAM.

[*Answered by No.* 37.]

April 21. No. 1. Your telegram of 19th April No. 1.* If it is absolutely necessary in order to obtain immediate final settlement mine-owners consent to fixed minimum at 1*s.* 6*d.* for working day of ten hours. I am afraid that your other suggestion of contract based on piecework rates alone is quite impracticable.

No. 33.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

Downing Street, April 22, 1904.

MY LORD,

I HAVE the honour to acknowledge the receipt of your despatch of the 21st March,† forwarding copies of the Transvaal Ordinance, No. 17 of 1904, "To regulate the introduction into the Transvaal of unskilled non-European Labourers."

I informed you by my telegram of 11th March, No. 3,‡ that you were at liberty to act under the suspending clause, and to proclaim in the Gazette that it is His Majesty's pleasure not to disallow this Ordinance.

I have, &c.,
ALFRED LYTTELTON.

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* No 30. † No. 20. ‡ No. 16 in [Cd. 1986].

No. 34.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 5.45 p.m., April 22, 1904.)

TELEGRAM.

April 22. No. 1. Convention has been approved without alteration by Chinese Government, and Minister expects to receive authority to sign at an early date. As soon as he has done so I will telegraph as to bringing Ordinance into operation.

No. 35.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.15 p.m., April 23, 1904.)

TELEGRAM.

(Extract.)

April 23. No. 1. Your telegram of 16th April No. 1.* It is, as you are aware, proposed to embark labourers at Hong Kong and Tien-tsin and I shall be glad if the notification which is necessary under clause 1 of Convention can be made to Chinese Government as soon as Convention is signed with regard to Tien-tsin. I presume that Transvaal Government Agent at that port will fill the position of British Consular officer or his Delegate, which is phrase used in text of Convention. I take it that no special notice need be given to Chinese Government about Hong Kong.

No. 36.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 12.45 a.m., April 26, 1904.)

TELEGRAM.

[*Answered by No.* 39.]

April 25. No. 3. Your telegram of April 20th No. 1,† question is capable of two interpretations, viz.: —

(1.) That there is danger of Chinese bringing plague with them. In reply to this medical experts point out that immigrants will be under observation at least twenty-five days before arrival, will be medically examined at Durban, and will be picked men specially selected for health and strength. It seems certain that plague, if it exists, must be discovered before their arrival on the Rand.

(2.) That increase in number of Asiatics on Rand may increase chances of plague spreading. Reply to this is (*a*) that Chinese are not more but probably less susceptible to plague than Indians; (*b*) that given assurance that Plague Committee continues and does not relax its vigilance, increase of number of Asiatics does not increase risk; (*c*) that every possible arrangement is being made on mines to make and keep clean premises destined for reception of Chinese. Mine owners are of course vitally interested in preventing all risk of plague. It should be remembered in this connection that fifty deaths occurred on first outbreak of plague in the Indian location. Whole population of over 3,000 were then moved to new site, where only one death occurred during first period of incubation and none since. This seems adequate proof of vigilance and knowledge of plague authorities. They are of opinion that plague will very soon die out but vigilance will in no case be relaxed.

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* No. 28.

† No. 31.

No. 37.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 6.45 p.m., April 26, 1904.)

Telegram.

April 26. No. 3. Your telegram of 21st April No. 1.* Decision of mineowners to fix a minimum daily rate of 1*s.* 6*d.* is, I consider, wise in their own interests. Terms of contract cannot be finally approved as yet ; there are one or two minor points arising out of the Convention on which I will telegraph to you.

No. 38.

Governor VISCOUNT MILNER to Mr. LYTTELTON.

(Received 8.45 p.m., April 27, 1904.)

Telegram.

[*Answered by No.* 40.]

April 27. No. 1. Mines are informed from Hong Kong that no coolie is likely to work even half power for any minimum rate and that the least amount for any working coolie will be 50 per cent. higher. This is exactly in accordance with what I have always heard from persons acquainted with Chinese coolies and having no interest whatever in mines. The more I think of it the greater appears to me the danger of fixing a minimum of 1*s.* 6*d.* for Chinese. It is plainly quite unnecessary in order to get the coolies and its consequences will be very serious for all the industries of the country. If it is impossible to accept the minimum of £1 10*s.* for thirty days, may I suggest the following compromise : The mines are willing to raise the minimum day's pay from 1*s.* to 1*s.* 6*d.* if within six months the average coolie pay does not equal £2 10*s.* for thirty days. This is more than Kaffir average before war. I should prefer not to have this complication, but if something more than present minimum and promise of piecework is necessary I think above a very fair offer.

No. 39.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 5.55 p.m., April 28, 1904.)

Telegram.

[*Answered by No.* 52.]

April 28. No. 2. Shall be glad to learn whether views expressed in your telegram of 25th April, No. 3,† are indorsed throughout by the expert medical advisers of the Transvaal Government. Please also telegraph names of your medical experts.

No. 40.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 10.20 p.m., April 29, 1904.)

Telegram.

[*Answered by No.* 41.]

April 29. No. 2. Your telegram 27th April, No. 1.‡ I recognize the force of your arguments against fixing the minimum at 1*s.* 6*d.* a day and approve the compromise

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* No. 32. † No. 36. ‡ No. 38.

proposed in your telegram provided that it is distinctly stated in the contract that piecework is to be at the labourer's option. Subject to that condition the compromise maintains the essential principle that the introduction of Chinese labour is to supplement the present deficiency of Kaffir labour, and not to lower by competition the wages paid to Kaffirs. It has the further merit that the Chinese labourers as a body will have no ground for dissatisfaction seeing that all of them will at once have the opportunity of earning far more than the minimum rate, thus ensuring that they will earn wages at least as high as those of the Kaffir according to class of work and capability. I assume that by average coolie pay at £2 10*s.* 0*d.* is meant not an average rate arrived at by halving the sum of the highest and lowest rates being paid, but a monthly wage for each coolie of that amount as the result of dividing the month's labour bill by the number of labourers employed.

No. 41.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 9.40 p.m., May 2, 1904.)

TELEGRAM.

[*Answered by No.* 42.]

May 2. No. 1. Your telegram of 29th April, No. 2.* Mines agree to compromise as laid down. 60 per cent. of labourers will be offered piecework at once and this percentage will be steadily increased. See my telegram of 15th April No. 3.†

No. 42.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 6.47 p.m., May 3, 1904.)

TELEGRAM.

May 3. No. 2. Your telegram 2nd May, No. 1.‡ My acceptance of the compromise was entirely conditional on piecework being at labourers' option. Unless this condition is accepted without reserve, I shall have no alternative but to revert to 1*s.* 6*d.* a-day as minimum rate of pay to be inserted in contract. For the reasons stated in my telegrams of 13th April, No. 2, and 19th April, No. 1,§ you will recognize the impossibility of my sanctioning an arrangement under which it may happen that mine-owners may impose the 1*s.* a-day rate on 40 per cent. of the labourers.

No. 43.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.40 p.m., May 4, 1904.)

TELEGRAM.

[*Answered by No.* 44.]

May 4. No. 7. Your telegram of May 3, No. 2.‖ It was never intended that labourers not employed on piecework should be confined to minimum wage. I am afraid that I failed to make it clear that they would be at once given an opportunity without pressure of earning far higher rate. It is impossible to employ all coolies on piecework, but mines will guarantee to give 1*s.* 6*d.* per diem to all who are not on piecework within three months after arrival on mine, and who are not earning that wage on task or special work.

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* No. 40. † No. 27. ‡ No. 41. § Nos. 24 and 30. ‖ No. 42.

No. 44.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 4.30 p.m., May 5, 1904.)

TELEGRAM.

[*Answered by No.* 53.]

May 5. No. 1. Your telegram 4th May, No. 7.* On reference to schedule of mining wages, annexure 13 to Lagden's report inclosed in your despatch of 11th April,† I recognize impossibility of guaranteeing piecework to all classes of labour, and I therefore waive that condition on the understanding that the compromise set forth in your telegram of 27th April, No. 1,‡ is embodied in contract and that that document shall also stipulate that classes of labour to which piecework is not applicable shall not be paid at lower rates than existing scale of wages corresponding to schedule above. I consider this preferable to suggestion in your telegram 4th May, No. 7,* and hope that it will be at once adopted.

No. 45.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 4.20 p.m., May 6, 1904.)

TELEGRAM.

May 6. No. 1. Referring to my telegram 16th April, No. 1,§ following is text of Schedule to Chinese Convention :—

Begins: Ships employed in the transport of indentured emigrants from China under this Convention must be seaworthy, clean, and properly ventilated, and with regard to the following matters shall comply with conditions as far as possible equivalent to those in force in British India with reference to the emigration of natives from India. Accommodation required on board (*vide* section 57 of the Indian Emigration Act, 1883) ; sleeping accommodation, consisting of wooden sheathing to the decks or sleeping platforms (*vide* Rule regarding "iron decks" as amended 6th August, 1902, in Schedule A to the Rules under the Indian Emigration Act, 1883) ; Rules as to space on board (*vide* section 58 of the Indian Emigration Act, 1883) ; carriage of qualified surgeon with necessary medical stores ; storage of drinking water (*vide* Rule 113 as amended 24th February, 1903, under the Indian Emigration Act, 1883) ; provision of adequate distilling apparatus (*vide* Schedule C to the Rules under the Indian Emigration Act, 1883). The dietary for each indentured emigrant on board ship shall be as follows per day :—

	Not less than
Rice, $1\frac{1}{3}$ lb. or flour or bread stuffs	$1\frac{1}{2}$ lb.
Fish, dried or salt, or meat, fresh or preserved ...	$\frac{1}{2}$ lb.
Fresh vegetables of suitable kinds	$1\frac{1}{3}$ lb.
Salt, 1 oz., sugar, $1\frac{1}{2}$ oz., Chinese tea, $\frac{1}{3}$ oz.	
Chinese condiments in sufficient quantities.	
Water for drinking and cooking	1 gallon

or such other articles of food as may be substituted for any of the articles enumerated in the foregoing scale as being in the opinion of the doctor on board equivalent thereto. *Ends.*

You will doubtless take immediate steps to communicate this Schedule to the importers and to your Emigration Agents in China.

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* No. 43. † No. 13 in [Cd. 2025] May, 1904. ‡ No. 38. §No. 28.

No. 46.

MR. LYTTELTON to the OFFICER ADMINISTERING THE GOVERNMENT OF HONG KONG.

(Sent 6.15 p.m., May 6, 1904.)

TELEGRAM.

[*Answered by No.* 47.]

Question in Parliament 9th May whether charter for steamer to convey coolies to South Africa has been cancelled owing to plague? Are coolies awaiting shipment quartered in Chinese houses or kept apart? What is accommodation and where? Have any cases of plague occurred among them? What are answers?

No. 47.

THE OFFICER ADMINISTERING THE GOVERNMENT OF HONG KONG to MR. LYTTELTON.

(Received 11.42 a.m., May 7, 1904.)

TELEGRAM.

IN reply to your telegram of yesterday's date,* no foundation for report of cancellation of charter. Intending emigrants on arrival at Hong Kong during last fortnight have been accommodated ordinary Chinese lodging houses, Kowloon, of which number have been hired and placed under special medical inspection, permanent isolated depôt being built 4 miles from Kowloon, and isolated temporary accommodation will be ready in two days. All emigrants who satisfy emigration officer and pass strict medical examination will be sent there pending shipment; those rejected sent home. One case of bubonic plague occurred in lodging house partly occupied by emigrants; patient was rejected emigrant. Seven other emigrants same house have been sent home. No other case among emigrants up to present time.

No. 48.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 2.10 p.m., May 7, 1904.)

TELEGRAM.

[*Answered by No.* 50.]

May 7. No. 1. Referring to your despatch of 21st March,† I approve of Regulations generally subject to following observations:—

Sections 11 and 12 must be amended so as to provide for approval of Chinese Consul; see Section 12 of draft Convention contained in my telegram of 16th April No. 1.‡

Regulation 14 will require amendment in accordance with Schedule to Convention; see my telegram 6th May No. 1.§

Regulation 19. Very important that fullest possible information as to labourers should be kept in registers; following headings should be added to forms; number of

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* No. 46. † No. 21. ‡ No. 28. § No. 45.

ship in which labourer arrived, father's name, labourer's height, bodily marks, postal address, stating village and district in China. See my despatch of 23rd April.*

Instructions given to Transvaal Emigration Officer in China or Hong Kong should provide for registration in China of labourers and their families under Article 4, Section 2, of Convention; and should warn Emigration Officer against registering any labourer apparently under 20 years old except as provided by that Article. You should keep Emigration Officers informed of all amendments required.

Regulation 28. Further provision as to wages of deceased labourer may be required. See my despatch, March 25.†

Regulation defining premises must be added in accordance with your telegram of March 28, No. 3.‡

Regulation 37, Section 4. The position of wives and children should be more accurately defined. Effect of this Regulation seems to be that a wife may be returned to China without her husband, which cannot be intended. It should also be made clear whether wives who commit offences are or are not to be returned at importer's expense.

I do not consider that section 3 of Ordinance and Regulation 27 fully carry out Article 10 of Convention. This should be borne in mind when Ordinance is amended.

A Regulation will be required giving labourer a right to a pass to see the Superintendent. See my telegram 4th April No. 1.§

As to Form No. 1 contract will require some expansion to cover all the points referred to in Article 7 of Convention, particularly as to terms on which contract may be renewed.

With regard to wages see my telegram 5th May No. 1.‖

Section 13 of Form of Contract does not state terms of compensation. Shall be glad if you will inform me what these will be. Wording of form of contract should cover case of labourer engaging for service at Hong Kong as well as at a port in China.

Instructions to agents at Hong Kong and Tien-tsin will require modification (see your despatch 28th March¶) to meet requirements of Convention.

Referring to paragraph 4** (see your telegram 29th March No. 4††), charter party should provide that passage money and gratuities shall be dependent on surgeon's certificate. Surgeon, who will be representative of Government and on whose efficiency whole control by Government depends, should not be appointed on nomination of employer's agent but independently by Government.

Paragraph 6; suggest that introduction of finger-print system in addition might be useful.

Ordinance cannot, of course, come into operation until Convention is signed, as to which I will telegraph. You will then bring Ordinance into operation and formally appoint emigration officers at Hong Kong and Tien-tsin.

Please telegraph to them necessary instructions.

No. 49.

Mr. LYTTELTON to Governor VISCOUNT MILNER.

(Sent 1.30 p.m., May 10, 1904.)

TELEGRAM.

[*Answered by No.* 52.]

May 10. No. 2. In replying to a question in the House of Commons yesterday as to whether I propose to take any steps to postpone the introduction of indentured Chinamen into the Transvaal because of plague in Hong Kong I said that so long as

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* Not printed. † No. 11. ‡ No. 13. § No. 18. ‖ No. 44.
¶ No. 29. ** See page 41. †† No. 16.

the medical advisers of the Local Government do not regard the conditions under which the Chinese labourers are introduced as involving undue risks and subject to such precautions as they think necessary, I do not, as at present advised, propose to interfere.

Please send reply to my telegram of 28th April, No. 2.*

If your medical advisers desire information as to conditions obtaining in Hong Kong you should communicate direct with the Governor. I understand that one case of bubonic plague has occurred in a lodging house partly occupied by emigrants, the patient being a rejected emigrant, and that there has been no other case among emigrants up to end of last week.

No. 50.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 9.45 p.m., May 12, 1904.)

TELEGRAM.

[*Answered by No.* 55.]

(Extract.)

May 12. No. 3. Your telegram of 7th May. No. 1.†

Regulations 11 and 12 will be amended as suggested.

With regard to Regulation 14 it seems better to delete sub-sections 2 and 3 and insert your suggestions in the instructions to be issued to Emigration Agents. They are not to be acted on here but in China. The instructions can be published in the "Gazette" so that the public may see them.

Regulation 19. The form of register now being printed includes name of ship, father's surname and district in China. Labourer's height, bodily marks and finger prints are kept in identification register. Postal address with names of parents, wives and children is in record sent to Superintendent by Emigration Agents. Emigration Agents have already been instructed to register all details of labourers and their families. They are now being instructed about labourers under twenty years of age.

Your remarks about Regulation 28 will be attended to. Regulation defining "premises" in accordance with my telegram of 28th March, No. 3‡ will be added.

With regard to Regulation 37 (4) I think it would be better to make the sub-section only refer to Section 28 of the Ordinance and not to Section 26 thereof. In view of the distinct provisions of Section 33 (2) of the Ordinance it appears to me that the application of Section 26 thereof to women would be *ultra vires*. By conjoining sub-section of Regulation to Section 28 of Ordinance we shall avoid the difficulty you refer to.

Section 3 of Ordinance and Regulation 27 do not fully carry out provisions of Article 10 of Convention, but those provisions can be carried out by making the Regulation which will be added providing for permit to labourer to see Superintendent include the cases mentioned in the Article.

All points referred to in Article 8 are now being included in Contract. Terms of compensation offered are: death £10, permanent total disablement £10, permanent partial disablement £5.

Modifications of instructions to Emigration Agents to meet the requirements of Convention are being telegraphed, together with résumé of Convention and Schedules. Charter party will provide payment dependent on certificate of surgeon who will be appointed independently by Government.

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* No. 39. † No. 48. ‡ No. 13.

No. 51.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 6.10 p.m., May 13, 1904.)

TELEGRAM.

[*Answered by No.* 53.]

(Extract.)

May 13. No. 2. Convention has been signed. Proclamation bringing Ordinance into operation can be issued but no embarkation from Hong Kong can take place until you are able to satisfy me as to freedom from undue risk. See my telegram 10th May, No. 2.*

Telegraph terms of wages clause inserted in contract in accordance with my telegram of 5th May, No. 1.† If Hong Kong emigrants have already signed contracts agreeing in essentials with that finally approved it will be necessary to amend them by inserting new wages clause.

Foreign Office are instructing Satow to take all necessary steps for bringing Convention into operation at Tien-tsin.

No. 52.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 10.5 p.m., May 13, 1904.)

TELEGRAM.

May 13. No. 1. Your telegrams of 28th April, No. 2, and of 10th May, No. 2.‡ Views expressed in my telegram of 25th April, No. 2,§ are endorsed throughout by all expert medical advisers of Transvaal Government. Names of those of them who have been employed in connection with outbreak here are Drs. Turner, Arnold, Montgomery, Allen Betenson, Sheridan, Thalmessenger, Pakes, McMunn, Schmauser, Slater. Memorandum of their work and qualifications is being sent to you by mail.

I can only repeat that every possible precaution is being taken, and I trust that when Convention is signed embarkation may not be delayed on this account.

No. 53.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.55 p.m., May 16, 1904.)

TELEGRAM.

May 16. No. 3. Your telegram of 13th May, No. 2.‖ Proclamation will be issued accordingly, and I will telegraph date of issue.

I trust you will now be able to inform me as soon as possible that you are satisfied that embarkation can take place at once without undue risk of plague.

Following are terms of wages clauses inserted in contract in accordance with your telegram of 5th May, No. 1†:—

Begins: Any labourer employed at labour to which piecework is not applicable shall be paid for the work on which he is employed at the rates

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* No. 49. † No. 44. ‡ Nos. 39 and 49. § No. 36. ‖ No. 51.

detailed by Chamber of Mines Schedule of native pay May, 1897, restored January, 1903, which are as follows . . . . &c.* If, however, within six months from the date of the said labourers arrival in the Witwatersrand district the average pay of the labourers employed by the said C.D. under the said Ordinance does not equal 50s. for thirty working days the rate shall be increased from 1s. to 1s. 6d. for each working day of ten hours. *Ends.*

These clauses have been telegraphed to China.

Hong Kong emigrants had not previously signed contracts.

No. 54.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 10.45 a.m., May 18, 1904.)

TELEGRAM.

May 18. No. 1. In view of the opinion of your medical advisers I am not prepared to interfere with the action of the Transvaal Government in taking the responsibility of permitting the introduction of labourers from China and Hong Kong. At Hong Kong the Transvaal Emigration Agent will be responsible, under the orders of the Transvaal Government, for observing any precautions in connection with the voyage which may be needed in addition to the requirements of the Hong Kong law, and of the Convention. The Natal Government are, I understand, satisfied that the observance of the usual requirements in regard to their own immigration from India will be sufficient in the case of the Chinese. You are, therefore, at liberty to allow embarkation from China and Hong Kong to take place, as soon as you are satisfied that all necessary preliminary conditions have been complied with. At Hong Kong ships should be certificated in accordance with Schedule to Convention, not only in compliance with Hong Kong law, which is not altogether suitable to long voyage.

No. 55.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 2.30 p.m., May 18, 1904.)

TELEGRAM.

May 18. No. 3. Referring to your telegram, 12th May, No. 3,† I concur with regard to Regulation 37 (4).

As soon as Regulations are issued in final shape you should send them home, with covering despatch, with any observations which you may desire to make, for presentation to Parliament.

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* See page 151 of [Cd. 2025].

† No. 50.

APPENDIX.

CONVENTION BETWEEN HIS BRITANNIC MAJESTY AND HIS MAJESTY THE EMPEROR OF CHINA.

Whereas a Convention between Her Majesty Queen Victoria and His Majesty the Emperor of China was signed at Peking on the 24th October, 1860, by Article V of which His Imperial Majesty the Emperor of China consented to allow Chinese subjects, wishing to take service in British Colonies or other parts beyond the seas, to enter into engagements with British subjects, and to ship themselves and their families on board of British vessels at the open ports of China in conformity with Regulations to be drawn up between the two Governments for the protection of such emigrants:

And whereas the aforesaid Regulations have not hitherto been framed, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China have accordingly appointed the following as their respective Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the Emperor of China, Chang Têh-Yih, Brevet Lieutenant-General of the Chinese Imperial Forces, His Imperial Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

And the said Plenipotentiaries having met and communicated to each other their respective full powers, and found them in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

As the Regulations to be framed under the above-mentioned Treaty were intended to be of a general character, it is hereby agreed that on each occasion when indentured emigrants are required for a particular British Colony or Protectorate beyond the seas, His Britannic Majesty's Minister in Peking shall notify the Chinese Government, stating the name of the particular Colony or Protectorate for which the emigrants are required, the name of the Treaty port at which it is intended to embark them, and the terms and conditions on which they are to be engaged; the Chinese Government shall thereupon, without requiring further formalities, immediately instruct the local authorities at the specified Treaty port to take all the steps necessary to facilitate emigration. The notification herein referred to shall only be required once in the case of each Colony or Protectorate, except when emigration under indenture to that Colony or Protectorate from the specified Treaty port has not taken place during the preceding three years.

ARTICLE II.

On receipt of the instructions above referred to, the Taotai at the port shall at once appoint an officer, to be called the Chinese Inspector, who, together with the British Consular Officer at the port, or his Delegate shall make known by Proclamation and by means of the native press the text of the Indenture which the emigrant will have to sign, and any particulars of which the Chinese officer considers it essential that the emigrant shall be informed, respecting the country to which the emigrant is to proceed, and respecting its laws.

ARTICLE III.

The British Consular Officer at the port, or his Delegate, shall confer with the Chinese Inspector as to the location and installation of the offices and other necessary buildings, hereinafter called the Emigration Agency, which shall be erected or fitted up by the British Government, and at their expense, for the purpose of carrying on the business of the engagement and shipment of the emigrants, and in which the Chinese Inspector and his staff shall have suitable accommodation for carrying on their duties.

ARTICLE IV.

1. There shall be posted up in conspicuous places throughout the Emigration Agency, and more especially in that part of it called the Depôt, destined for the reception of intending emigrants, copies of the Indenture to be entered into with the emigrant, drawn up in the Chinese and English

languages, together with copies of the special Ordinance, if any, relating to immigration into the particular Colony or Protectorate for which the emigrants are required.

2. There shall be kept a Register in Chinese and in English, in which the names of intending indentured emigrants shall be inscribed, and in this Register there shall not be inscribed the name of any person who is under 20 years of age, unless he shall have produced proof of his having obtained the consent of his parents or other lawful guardians to emigrate, or, in default of these, of the Magistrate of the district to which he belongs. After signature of the Indenture according to the Chinese manner, the emigrant shall not be permitted to leave the Depôt, previously to his embarkation, without a pass signed by the Chinese Inspector, and countersigned by the British Consular Officer or his Delegate, unless he shall have, through the Chinese Inspector, renounced his agreement and withdrawn his name from the register of emigrants.

3. Before the sailing of the ship each emigrant shall be carefully examined by a qualified Medical Officer nominated by the British Consular Officer or his Delegate. The emigrants shall be paraded before the British Consular Officer or his Delegate and the Chinese Inspector or his Delegate, and questioned with a view to ascertain their perfect understanding of the Indenture.

ARTICLE V.

All ships employed in the conveyance of indentured emigrants from China under this Convention shall engage and embark them only at a Treaty port, and shall comply with the Regulations contained in the Schedule hereto annexed and forming part of the Convention.

ARTICLE VI.

For the better protection of the emigrant, and of any other Chinese subject who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a Consul or Vice-Consul to watch over their interests and well-being, and such Consul or Vice-Consul shall have all the rights and privileges accorded to the Consuls of other nations.

ARTICLE VII.

Every Indenture entered into under the present Articles shall clearly specify the name of the country for which the labourer is required, the duration of the engagement, and, if renewable, on what terms, the number of hours of labour per working day, the nature of the work, the rate of wages and mode of payment, the rations, clothing, the grant of a free passage out, and where such is provided for therein, a free passage back to the port of embarkation in China for himself and family, right to free medical attendance and medicines, whether in the Colony or Protectorate or on the voyage from and to the port of embarkation in China, and any other advantages to which the emigrant shall be entitled. The Indenture may also provide that the emigrant shall, if considered necessary by the medical authorities, be vaccinated on his arrival at the depôt, and, in the event of such vaccination being unsuccessful, revaccinated on board ship.

ARTICLE VIII.

The Indenture shall be signed, or in cases of illiteracy marked, by the emigrant after the Chinese manner, in the presence of the Chinese Inspector or his Delegate and of the British Consular Officer or his Delegate, who shall be responsible to their respective Governments for its provisions having been clearly and fully explained to the emigrant previous to signature. To each emigrant there shall be presented a copy of the Indenture drawn up in Chinese and English. Such Indenture shall not be considered as definitive or irrevocable until after the embarkation of the emigrant.

ARTICLE IX.

In every British Colony or Protectorate to which indentured Chinese emigrants proceed, an officer or officers shall be appointed, whose duty it shall be to insure that the emigrant shall have free access to the Courts of Justice to obtain the redress for injuries to his person and property which is secured to all persons, irrespective of race, by the local law.

ARTICLE X.

During the sojourn of the emigrant in the Colony or Protectorate in which he is employed, all possible postal facilities shall be afforded to him for communicating with his native country, and for making remittances to his family.

ARTICLE XI.

With regard to the repatriation of the emigrant and his family, whether on the expiration of the Indenture or from any legal cause, or in the event of his having been invalided from sickness or disablement, it is understood that this shall always be to the port of shipment in China, and that in no case shall it take place by any other means than actual conveyance by ship, and payment of money to the returning emigrant in lieu of passage shall not be admissible.

ARTICLE XII.

Nothing in any Indenture framed under these Articles shall constitute on the part of the employer a right to transfer the emigrant to another employer of labour without the emigrant's free consent and the approval of his Consul or Vice-Consul; and should any such transfer or assignment take place, it shall not in any way invalidate any of the rights or privileges of the emigrant under the Indenture.

ARTICLE XIII.

It is agreed that a fee on each indentured emigrant shipped under the terms of this Convention shall be paid to the Chinese Government for expenses of inspection, but no payment of any kind shall be made to the Chinese Inspector or any other official of the Chinese Government at the port of embarkation. The above fee shall be paid into the Customs bank previous to the clearance of the ship, and shall be calculated at the following rate :—3 Mexican dollars per head for any number of emigrants not exceeding 10,000, and 2 dollars per head for any number in excess thereof, provided they are shipped at the same Treaty port, and that not more than twelve months have elapsed since the date of the last shipment.

Should the port of embarkation have been changed, or a space of more than twelve months have elapsed since the date of the last shipment, inspection charges shall be paid as in the first instance.

ARTICLE XIV.

The English and Chinese text of the present Convention have been carefully compared, but in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct sense.

ARTICLE XV.

The present Convention shall come into force on the date of its signature and remain in force for four years from that date, and after such period of four years it shall be terminable by either of the High Contracting Parties on giving one year's notice.

In witness whereof the Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done at London in four copies, two in Chinese and two in English, this 13th day of May of the year 1904.

(L.S.) LANSDOWNE.
(L.S.) T. Y. CHANG.

SCHEDULE.

Regulations.

SHIPS employed in the transport of indentured emigrants from China under this Convention must be seaworthy, clean, and properly ventilated, and, with regard to the following matters, shall comply with conditions as far as possible equivalent to those in force in British India with reference to the emigration of natives from India :—

Accommodation required on board (*vide* section 57 of "The Indian Emigration Act, 1883").

Sleeping accommodation, consisting of wooden sheathing to the decks or sleeping platforms (*vide* rule regarding "iron decks," as amended the 16th August, 1902, in Schedule "A" to the rules under "The Indian Emigration Act, 1883").

Rules as to space on board (*vide* Section 58 of "The Indian Emigration Act, 1883").

Carriage of qualified surgeon, with necessary medical stores.

Storage of drinking water (*vide* Rule 113, as amended the 24th February, 1903, under "The Indian Emigration Act, 1883").

Provision of adequate distilling apparatus (*vide* Schedule "C" to the rules under "The Indian Emigration Act, 1883").

The dietary for each indentured emigrant on board ship shall be as follows per day :—

	Not less than
Rice, not less than 1⅓ lb., or flour or bread stuffs	1½ lb.
Fish (dried or salt) or meat (fresh or preserved)	0½ "
Fresh vegetables of suitable kinds	1⅓ "
Salt	1 oz.
Sugar	1½ "
Chinese tea	0⅓ "
Chinese condiments in sufficient quantities.	
Water, for drinking and cooking	1 gallon,

or such other articles of food as may be substituted for any of the articles enumerated in the foregoing scale as being in the opinion of the doctor on board equivalent thereto.

Foreign Office,
May 13, 1904.

Sir,

BY Article VI of the Convention about to be concluded between Great Britain and China with regard to Chinese subjects leaving the Treaty ports of China under Indenture for Service in British Colonies or Protectorates it is provided that :—

"For the better protection of the emigrant and of any other Chinese subject who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a Consul or Vice-Consul to watch over their interests and well-being, and such Consul or Vice-Consul shall have all the rights and privileges accorded to the Consuls of other nations."

His Majesty's Government consider it specially important that the persons appointed to occupy, for the purpose named, the position of Consul or Vice-Consul should be experienced officers of Chinese nationality, that they should be exclusively in the service of the Emperor of China, and that in each case the name of the person selected should be communicated to His Majesty's Government, and their agreement to the appointment obtained.

I have the honour to inquire whether the Chinese Government are prepared to meet the wishes of His Majesty's Government in the matter. If so, and if you will inform me accordingly, this note and your reply might be attached to the Convention in order to place on formal record the arrangement concluded.

I have, &c.,
LANSDOWNE.

Chang Ta-Jên,
&c., &c., &c.

Chinese Legation, May 13, 1904.

MY LORD MARQUESS,

IN reply to your Lordship's note of this date, I have the honour to state that the Chinese Government are in entire accord with His Britannic Majesty's Government as to the great importance they attach to the Consuls and Vice-Consuls to be appointed under Article VI. of the Convention about to be concluded between the two Governments being men of great experience, and will consider it a duty which they owe to the emigrant to confine the selection of these officers to such as in all respects conform to the requirements specified in the note above referred to, which, together with the present one, it has been mutually agreed shall, in proof of this understanding, be appended to the said Convention.

I have, &c.,
T. Y. CHANG.

The Marquess of Lansdowne, K.G.,
&c., &c., &c.,

SOUTHERN RHODESIA.

CORRESPONDENCE

RELATING TO THE

PROPOSED INTRODUCTION OF INDENTURED ASIATIC (CHINESE) LABOUR INTO SOUTHERN RHODESIA.

(*In continuation of* [*Cd.* 1200] *July*, 1902.)

Presented to both Houses of Parliament by Command of His Majesty.
May, 1904.

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Serial No.	From or to whom.		Date.	Subject.	Page.
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SOUTHERN RHODESIA.

CORRESPONDENCE

RELATING TO THE

PROPOSED INTRODUCTION OF INDENTURED ASIATIC (CHINESE) LABOUR INTO SOUTHERN RHODESIA.

No. 1.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received November 20, 1903.)

[*Answered by No.* 5.]

2, London Wall Buildings, London, E.C., November 19, 1903.

SIR,

I AM directed to inform you that the Board has learned by cable from the Administrator that Resolutions urging the Administration to endeavour to obtain the sanction of the Secretary of State to the importation of indentured Asiatic labour into Rhodesia under the provisions of the Immigration Ordinances of 1901 and 1902, have been passed by the Chambers of Mines and of Commerce, and of the Farmers' Associations of Mashonaland and Matabeleland, and that the only dissentients to this policy have been the Executive of the Farmers' Association at Salisbury, who passed an adverse resolution by a majority of one in a meeting at which only five members were present.

The Administrator also states that the Executive Council of Southern Rhodesia having considered these Resolutions, and being satisfied that the representations of the various public bodies in favour of the immediate importation of Asiatic labour are well founded, recommends that the approval of the Secretary of State be sought as requested.

I am further to say that the Board of the Company having been informed that the Council of the Rhodesian Land and Mine Owners' Association has requested the favour of an interview with Mr. Lyttelton, with the object of laying before him the urgent necessity, which in their view exists, of obtaining immediately from foreign sources unskilled labour in number sufficient to save the mining industry of Rhodesia from the collapse which at the present time appears to be imminent, desires to associate itself most strongly with the request of the Council of the Association, and to express the hope that the Secretary of State will be pleased to afford to them an early opportunity of informing him as to the views and condition of the industry.

The Board of the British South Africa Company is entirely in accordance with the opinion of the Administrator and Executive Council of Southern Rhodesia and of the various public bodies, that it is imperative in the interests of the country that advantage should be taken immediately of the Immigration Ordinance, 1901, to import under its provisions sufficient unskilled labour to relieve the country from

the serious situation which has recently arisen. It desires to emphasise the fact that in its attitude upon this question the Company has the full support of the people of Rhodesia, and to express the hope that the strong claims of the Rhodesian community and of their British supporters to receive a sympathetic consideration of their case on its merits, independently of the other States of South Africa, will not be overlooked, and that the required permission of the Secretary of State will be given immediately.

I am, &c.,
J. F. JONES,
Joint Manager and Secretary.

No. 2.

THE RHODESIAN LAND AND MINE OWNERS' ASSOCIATION to COLONIAL OFFICE.

(Received November 25, 1903.)

[*Answered by No.* 4.]

SIR, 3, Copthall Buildings, London, E.C., November 25, 1903.

I AM directed by the Council of this Association to forward a Memorandum which the Council has prepared in accordance with your letter addressed to the Chairman, and I am to ask you to have the goodness to lay this before the Secretary of State.

The object of the Council in seeking an interview with Mr. Lyttelton is to give him such additional information as is in its power, and to ask him, having regard to the grave position in Rhodesia, to give favourable consideration to the application which is being made to him by the local representative bodies through the Administrator, and to consent to the importation of Asiatics to Rhodesia. Should Mr. Lyttelton take the desired step, the Council would ask him to obtain the friendly co-operation of the Foreign Office for securing the assistance of His Majesty's Consuls in Asia, and for obtaining facilities from the Portuguese Government with reference to the passage of immigrants through their territory.

I am, &c.,
GEO. G. M. SAUNDERS,
Hon. Secretary.

B. H. Holland, Esquire,
Colonial Office, S.W.

Enclosure in No. 2.

3, Copthall Buildings, E.C., November 25, 1903.

MEMORANDUM by the Council of the Rhodesian Land and Mine Owners' Association on Labour for Rhodesia.

1. Scarcity of labour has been experienced in Southern Rhodesia ever since the development of its mines began. In every annual report of the Local Chambers of Mines for the last eight years the want of sufficient and efficient labour has been the subject of emphatic comment.

2. Only a very small proportion of the aboriginal natives of Southern Rhodesia can be induced to work on mines. The adult male population of Southern Rhodesia is about 100,000. Statistics show that of the total at work at any time never more than from 10 to 20 per cent. belong to Southern Rhodesia, and as the total present requirements of the mines now at work amount to about 12,000 natives, the maximum number of local natives at work at any time does not exceed 2,500. Evidence of

this fact is supplied by the following analysis of the native labour at work on some of the principal Rhodesian mines for the month of August, 1903.

Source of Origin.	Number.
MATABELELAND.	
Local...	1,662
North of Zambesi	1,588
Other sources	4,420
MASHONALAND.	
Local...	519
Northern Zambesi	927
Other sources	1,017

At the Ayrshire Mine, in a district in which, owing to the drought, 12,000 Mashonas are said to be in want of food, there were lately only six Mashonas on the pay-sheet. This mine, which has not yet started crushing, is now 400 boys short of its present requirements.

3. The majority of the natives North of the Zambesi are of poor physique, and those who come down to work in the mines frequently run away after a week or two, before they have learnt to do what is required of them. Whatever labour these regions can supply will soon be taken by the mines of Northern Rhodesia.

4. The only available African natives who have any real idea of industrial labour are those from the Northern Transvaal and Portuguese territory. These, however, are only secured in competition with the powerful organisation of the Rand. This competition has been increasingly felt since the termination of the war, and the share of this limited supply that has been secured by Rhodesia has been seriously diminished.

5. The above has been the experience of Rhodesia, and that it must necessarily have been so, has been now abundantly confirmed by the Report of the Johannesburg Labour Commission, which, though only available through the cabled summary, is understood to prove convincingly how very inadequate the supply of African Labour is to the demand.

6. The reports of the Compound Inspector of the Rhodesian Administration are available to show that the treatment of the natives at the mines is generally all that can be desired. Every possible care is exercised, they are housed according to their own ideas of comfort, and well fed. In fact, the constant insufficiency at the mines has caused a natural, but from some points of view regrettable, competition for their services. If one mine invents some special inducement, others on learning it are bound to follow. Rates of wages have thus gradually increased, without conferring any real benefit on the natives, while causing them to recognise (which they are quick to do) not only their own independence, but the dependence of the mines.

With regard to the treatment of natives in Rhodesia reference may be made to the official "Report on the Trade and General Conditions" of the British Central Africa Protectorate for the year 1902-3 (Africa No. 13, 1903), page 23. Although most of the natives referred to go down to Rhodesia for house-service, and not for mine work, yet it is evident that none of them suffer any harm, but on the contrary, derive great benefit from their contact with Europeans.

7. In the early stages of the mineral development of a country the result of an insufficient labour supply is not so outwardly apparent as to attract the attention of the general public. The fact that the preliminary development of a mine is not proceeding so fast as it might is only evident to those immediately concerned. Since the beginning of 1900, however, the great insufficiency of labour has been generally realised, and still more recently, its disastrous effect on the country has been brought

home alike to the inhabitants of Rhodesia, and to those at home who have interests in that country. But those responsible for the direction of the mining industry have always foreseen that without additional labour the present crisis was inevitable.

8. As soon as a stamp battery or other extraction plant commences to run on a mine, the number of unskilled labourers required for economical working is more than three times as great as the maximum that could be employed on preliminary development. Unless the full number required can be constantly maintained the rate of extraction will invariably exceed the rate of advanced development, and sooner or later production must cease. With intermittent working, restriction of the output, and the high cost of extraction due to the burden of irreducible fixed charges, it is impossible (except, perhaps, in some of the richest gold mines in the world) to secure any return on the large capital required to open up and equip a quartz reef mine. In any case, it is not reasonable to suppose that capital could be found for mining enterprise, where in addition to the inherent risk attached to all mining operations, there is the certainty that ore bodies which, under normal conditions, would be highly profitable, cannot be extracted regularly and economically. Advance development is necessary to an even greater extent on quartz reefs, than on banket reefs. A constant sufficient supply of labour is, therefore, more needed in Rhodesia than in the Rand.

9. The following table shows the cash working capital which as had to be provided by some of the principal Rhodesian Mines to bring them to the producing stage:—

—	Number of Stamps.	Cash Working Capital.
		£
Selukwe	40	192,937
Globe and Phœnix...	40	250,000
Ayrshire	60 (estimated)	250,000
Wanderer (equal to)	60	182,500
Penhalonga	40	130,000
Antenior	10	84,530
Rezende	20	86,537
Red and White Rose	20	81,200
Imani	10	65,000

10. In Rhodesia there are at present 16 mines equipped for production. Of these only two—the Penhalonga and the Wanderer (where conditions are exceptional)—are developed in advance to a sufficient extent to make systematic mining possible, and three (the "Globe and Phoenix," the "Red and White Rose," and the "Geelong") have arrived at the state indicated in paragraph seven, and have been compelled recently to close their mills down in order that such labour as is still available may be devoted to the necessary further development.

There are also 32 other mines which are in an advanced stage of development. None of these have as much labour as they require for rapid economical development.

The 48 mines referred to above include in the aggregate 3,735 "Claims." The total number of claims registered in the country in 1900 amounted to about 120,000. The natural process of elimination then began, and the total number of claims now on the register is about 100,000. No doubt more claims will be abandoned, but it is also certain that more discoveries will be made, especially of large low grade propositions not worked by the ancients. It is agreed on all hands that the geological conditions of Rhodesia indicate the possibility of a large mining industry, but it is manifest that under present labour conditions not only can there be no real mining

industry, but that no mining operations can be carried on with any prospect of an adequate return on the capital outlay.

11. In 1901, as the majority of the people of the country realised that the local supply of unskilled labour was insufficient, inefficient, and uncertain, an Immigration Ordinance was passed *unanimously* by the Legislative Council. This Ordinance is designed to protect both the Colonists and the Immigrants, and is based upon legislation in force in the West Indies, where the system of the supply and return of indentured Asiatics works without any difficulties.

12. The Rhodesian Legislative Council (unlike that of the Transvaal) comprises elected representatives of the people, who signified their approval of the measure in the proper constitutional manner. No objection to the Ordinance has been raised by the people since it was passed.

13. The Immigration Ordinance, 1901, as originally adopted by the Legislative Council, could have been applied by the Administrator to any country without further reference to the people or to the Secretary of State. The Immigration Ordinance Amendment Ordinance, 1902, which requires the assent of the Secretary of State to the application of the Principal Ordinance in respect of any particular country, was not initiated by the people, but by the Secretary of State.

14. The Rhodesia Land and Mine Owners' Association is an Association of Companies, having 61,000 shareholders, who have contributed an aggregate cash working capital of about £8,000,000.

15. The Association was formed in 1902 principally to press for the importation of Asiatic labour under the Ordinance, and its Council made immediately an official application to the British South Africa Company. This application was met by the intimation that the Secretary of State would not consent to importation from any outside country until all the resources of South Africa had been exhausted, and until the practical result of the working of an Agreement which had been entered into between the Rhodesian and the Rand representative mining bodies, under which the latter was to send to Rhodesia 12½ per cent. of all labour which it recruited, was known. To-day it can be said that not a single native has come to Rhodesia under this Agreement, which was eventually determined by notice from the Rand, and that notwithstanding the strenuous efforts of the mine managers to obtain labour, the position is much worse than it was then.

The following is a quotation from the application by the Council referred to above, which is dated February, 1902:—

> "It is quite evident to us that, allowing a liberal estimate of the number (of natives under the '12½ per cent.' agreement) that are likely to arrive, the only result will be that, although individual mines may obtain temporary relief, there will be an inducement to further development, and the demand will at once again exceed the supply. Unless arrangements are now entered into for rendering available some supply of efficient labour so large that it shall not be exhausted by demands far exceeding those that have hitherto been made, the extensive mining developments which are announced or contemplated can only result in disappointment and failure."

The experience of the last two years shows that the opinion expressed in the latter part of the quotation has been entirely justified.

16. In the spring of this year the British South Africa Company, at the instance of the Association, sought to obtain the sanction of the Indian Government (as required by the Immigration Ordinance) to the importation under the terms of the Ordinance of a small number of Indian labourers as an experiment. The Indian Government, however, did not see its way to assent. The Council believes that a large number of Indian natives of the Industrial class would be willing to submit to the restrictions of the Ordinance in order to be enabled thereby to earn and take home good wages, and that their employment would be to the great advantage of two parts of the Empire, and regrets the decision of the Indian Government.

17. It is not, and never has been, suggested that alien labour should be entirely substituted for native labour on the mines. If the producing mines could employ aliens, and thus be assured of a sufficient constant number of labourers to ensure the

maximum economy of working, not only would the mining industry be stimulated, but a fresh impetus would be given to other industries such as farming and cotton-growing, both of which can offer to the natives abundant employment in work more congenial to them than mining. The companies and mine managers would prefer to employ the local natives if there were the slightest hope of inducing them to work in sufficient numbers. The cost would be far less than that of imported labour, and there are no prejudices to combat. Every effort has been made by the Government and the people to bring about a better condition of affairs.

Some years ago a Native Labour Board was established, but its efforts were fruitless. A second attempt is now being made in the same direction, and a Native Labour Bureau, towards which the Administration has subscribed £10,000 has recently been formed. A better organisation for recruiting may have some effect on the supply, but none who know the native think for a moment that the habit of industry (which is the essential of a satisfactory type of labourer) will be implanted in him by the Bureau, and for the reasons previously given it cannot be hoped that the difficulties of the industry can be relieved in this manner.

18. The imports into Rhodesia, notwithstanding the limited extent of the development of the country, are considerable. In 1902 the value of imports through Beira was £460,000, and through Cape Ports £674,000. Of the imports through Beira, goods to the value of £323,000 were of British origin. No classification is available of the imports through Cape Ports. It is, however, reasonable to assume that the proportion of British goods is greater than in the case of Beira, as a large quantity of German goods is landed from the subsidised German steamers at the latter port; but taking the proportion to be the same, it will be seen that the total British imports into Rhodesia amounted last year to at least £796,000.

At the present time 455 stamps have been erected in Rhodesia. The cost of the manufacture of mining machinery and plant represented by each stamp is certainly not less than £1,500, while to keep the stamp at work entails a further expenditure of £630 per annum on stores. Both machinery and stores come chiefly from England.

The mines provide direct employment for many Europeans. A producing mine employs at least two white men per stamp.

19. The "Globe and Phoenix," "Red and White Rose," and the "Geelong," which have been previously referred to as having had to close down, have between them incurred a capital outlay of £550,000 in cash.

That no profit is now being earned on this large capital is due principally to want of labour at present and in the past. To the same cause (though, no doubt, the Matabele Rebellion, the two outbreaks of cattle disease and the Transvaal War have adversely affected the development of the country) must be attributed the large proportion of the capital invested in the country, which remains unproductive, and the high cost of the work that has been done. It is an axiom in mining that speed is of the essence of economy. In Rhodesia the conditions have led to slow and intermittent work, with the knowledge that production in present circumstances must of necessity be uneconomical or entirely unprofitable.

20. California has been cited as an instance of the evils which follow the introduction of Chinese to a "white man's country." The prosperity of California was founded on its mines, which could never have been worked but for the Chinese. The present state of affairs there (and in all other countries where such evils exist), is solely due to the want of those initial precautions which the people of Rhodesia have already taken.

21. The labour question affects the railways equally with the mines. The Rhodesian Railways Limited, in which over £8,000,000 of British capital is invested, has expended in Great Britain £2,350,000 on material. Such an extensive system of railways would be impossible as a commercial undertaking in a new country, except with the assurance of a rapidly developed mining industry. The country has thus been opened up for settlers, who, however, owing to the bad outlook through scarcity of labour, are at present leaving the country.

22. Many of the companies formed for the purpose of developing Rhodesia's mineral wealth have expended all their subscribed funds. The very extensive and

costly mine development which they have accomplished will be of no avail unless further capital is forthcoming. Naturally no investor will put money into a country, however intrinsically valuable, under the conditions which exist in Rhodesia to-day. Not only are the assets of these companies much depreciated in value, but in some cases the shareholders, owing to the financial position, are threatened with total loss.

23. It has been said that having regard to labour conditions and other difficulties all Rhodesian companies should have "shut down" at the beginning of the war. Apart from the distress which would have been occasioned by that policy owing to the complete stagnation of the country, the position must be considered from a business point of view. The Directors hold that they would not have been justified in refraining for an indefinite period from taking steps towards the profitable employment of the capital entrusted to them, especially in view of the dead loss which the cost of upkeep of their properties would have entailed. They kept on in the face of many difficulties in the hope that relief, in the shape of an adequate labour supply, would have been given to them before the present serious position should have come to pass.

24. The natural resources of Rhodesia could have made it, by this time, a prosperous self-supporting country, with a rapidly increasing white population. It is a British Colony, which was founded, and is being developed, by individual energy and enterprise, without expense to the British taxpayer. That energy has overcome many difficulties, but it has been paralysed, and is now well-nigh killed by the greatest of all the difficulties, want of labour, which remains and increases. Mr. Chamberlain said that any South African Colony which expressed clearly an opinion in favour of imported labour should have it. More than two years ago the opinion expressed by the local representative bodies was confirmed by the people as stated above, through the passing of the Immigration Ordinance. A week ago meetings were called in Rhodesia to show again the feeling of the country. The Chamber of Mines and Commerce in both Provinces, and the Landowners' Association of Buluwayo, passed resolutions, practically unanimously, under which the Administrator was requested to take steps to give effect to the Ordinance. The white employees of the "Globe and Phoenix," the "Gaika" and the "Penhalonga" mines also held meetings, when similar resolutions were unanimously passed. Only the Executive of the Farmers' Association of Salisbury, by a majority of one in a meeting of five, voted against importation.

It is submitted that the reality and urgency of Rhodesia's need is proved, and that having regard to its position and constitution, the case should be considered without reference to the prejudices (if any) of the other South African Colonies.

No. 3.

Mr. LYTTELTON to High Commissioner Sir A. LAWLEY.

(Sent 4.55 p.m., November 30, 1903.)

Telegram.

[*Answered by No.* 8.]

November 30th. No. 1. I have been requested to receive deputation from Rhodesian Land and Mine Owners' Association as to introduction of Asiatic labour, their request being supported by the British South Africa Company, and have replied that it would be premature at present, pending decision of question in the Transvaal. Should be glad of full expression of views of Resident Commissioner by mail on this subject at his early convenience, including a report on Resolutions at meetings recently held in Southern Rhodesia advocating Asiatic immigration. He should state whether, in his opinion, matter ought to be brought before Legislative Council before a decision is taken.

Correspondence by mail.

No. 4.

COLONIAL OFFICE to THE RHODESIAN LAND AND MINE OWNERS' ASSOCIATION.

[*Answered by No.* 6.]

Downing Street, December 2, 1903.

SIR,

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 25th of November,* enclosing a memorandum with respect to the importation of Asiatic labourers into Southern Rhodesia.

2. I am to remind you that Mr. Lyttelton's predecessor, in replying to a deputation from Southern Rhodesia, which waited on him at Johannesburg on January 15th, stated that it could not be expected that His Majesty's Government would give power to Rhodesia to import Asiatics unless the same powers were given to the Transvaal, and that they must wait and see what was done in the Transvaal.

3. A Native Labour Commission has considered and reported on the question of the sufficiency of native labour in South Africa for the Transvaal. Mr. Lyttelton is desirous of sparing Southern Rhodesia the expense of a similar enquiry, as the investigation of the Transvaal Commission may render such an enquiry superfluous. The Report of that Commission and the evidence taken before it have, however, not yet arrived in England, and it will be necessary to consider them before coming to a final decision as to whether any special investigation is required in the case of Rhodesia. It is further necessary to receive a report of the Resident Commissioner, which has been asked for by telegraph, and also to consider whether any Resolution of the present Legislative Council should be regarded as a condition precedent to the introduction of Chinese labour.

4. Under these circumstances Mr. Lyttelton considers that it would be premature for him at the present moment to receive a deputation from the Rhodesian Land and Mine Owners' Association.

I am, &c.,
M. F. OMMANNEY.

No. 5.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

[*Answered by No.* 10.]

Downing Street, December 3, 1903.

SIR,

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 19th ultimo,† stating that the Administrator and Executive Council of Southern Rhodesia have considered the representations of various public bodies in that territory in favour of obtaining the sanction of the Secretary of State to the importation of indentured Asiatic labour under the provisions of the Immigration Ordinances of 1901 and 1902, and have recommended that the approval of the Secretary of State be sought, with which recommendation the Directors of the British South Africa Company entirely associate themselves, and ask that the permission of the Secretary of State be given immediately.

2. Mr. Lyttelton desires me to remind you that his predecessor in replying to a deputation from Southern Rhodesia which waited on him at Johannesburg on January 15th, stated that it could not be expected that His Majesty's Government would give power to Rhodesia to import Asiatics unless the same powers were given to the Transvaal, and that they must wait and see what was done in the Transvaal.

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* No. 2.

† No. 1.

3. A Native Labour Commission has considered and reported on the question of the sufficiency of native labour in South Africa for the Transvaal. Mr. Lyttelton is desirous of sparing Southern Rhodesia the expense of a similar enquiry, as the investigation of the Transvaal Commission may render such an enquiry superfluous. The Report of that Commission, and the evidence taken before it, have, however, not yet arrived in England, and it will be necessary to consider them before coming to a final decision as to whether any special investigation is required in the case of Rhodesia. It is further necessary to receive a report of the Resident Commissioner which has been asked for by telegraph, and also to consider whether any resolution of the present Legislative Council should be regarded as a condition precedent to the introduction of Chinese labour.

4. Under these circumstances Mr. Lyttelton considers that it would be premature for him at the present moment to receive a deputation from the Rhodesian Land and Mine Owners' Association, and he regrets that he is also unable to give the immediate permission required under the Ordinances for the introduction of Asiatic labour for which your Board of Directors have asked.

I am, &c.,
M. F. OMMANNEY.

No. 6.

THE RHODESIAN LAND AND MINE OWNERS' ASSOCIATION to COLONIAL OFFICE.

(Received December 12, 1903.)

[*Answered by No.* 7.]

The Rhodesian Land and Mine Owners' Association,
3, Copthall Buildings, London, E.C., December 11, 1903.

SIR,

I HAVE laid your letter * before my Council, and I am directed to reply as follows:—

The Council has seen no official report of the statement by Mr. Chamberlain referred to in paragraph 2 of your letter. It is generally understood that Mr. Chamberlain pledged himself to be guided in the matter of Asiatic labour for any South African Colony by public opinion in that Colony. In any case, the Council demurs to the suggestion that Rhodesia should be considered only in conjunction with the Transvaal. The conditions and population of Rhodesia are absolutely different from those of the Transvaal, as different as both are from those of Cape Colony. The mines of Rhodesia nearest to Johannesburg are about 600 miles therefrom. Unlike the mines of the Transvaal, those of Rhodesia are remote from towns, and are not near one another, so that Asiatic labourers could be controlled in small units.

The people are British, and none desire any other end than the prosperity of the Colony.

The fact that in the Transvaal there was, before the war, a large and prosperous mining industry, may have shown the necessity for enquiry with regard to that territory, but it is submitted that the history of and experience of Rhodesia, and the present outlook there, supply ample evidence, without any such further enquiry as is suggested in your letter, that the labour which it has been possible with great effort to obtain has been insufficient even for a very limited development of the country.

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* No. 4.

The report and evidence of the Transvaal Commission cannot alter the fact as regards the situation in Rhodesia set forth in the Council's Memorandum of the 25th ultimo.

The Council submits that the resolution passed at the recent meetings present with as much force as an affirmation by the Legislative Council, the "clear expression of local South African opinion" required by Mr. Chamberlain (see despatch, No. 19, Blue Book, "Southern Rhodesia: Correspondence relating to the Regulation and Supply of Labour").*

The step which it was proposed to take, had the Secretary of State acted on the request of the country, could not possibly have endangered any interest. Urgent as is the necessity everywhere, it was intended in the first place only to employ Asiatics on two mines, the Globe and Phoenix Gold Mine, and the Wankies Colliery, which are 150 and 200 miles respectively from the principal towns. This experiment would, it is believed, have shown that the fears of those who oppose the introduction of indentured Asiatics into a British Colony, are groundless, and would, at the same time, have given experience which would be valuable in dealing with subsequent immigration. The desirability of proceeding slowly with actual immigration only emphasises the necessity for immediate action.

The Council must express its deep regret and disappointment, which will be shared by all those who are responsible for the development of the industries of the country, that the Secretary of State should, for such reasons as your letter contains, retard the progress of Rhodesia, a British Colony whose people have overcome many difficulties without asking for, and without having received, any assistance from the Imperial Government, and who now only ask that a restriction imposed by the Colonial Office be removed.

A copy of this correspondence is being sent to the British South Africa Company. The Council is also in communication with those interested in Rhodesia, with whom it must confer before deciding what further steps can be taken in the matter.

I am, &c.,
GEO. G. M. SAUNDERS,
Hon. Secretary.

No. 7.

COLONIAL OFFICE to THE RHODESIAN LAND AND MINE OWNERS' ASSOCIATION.

SIR, Downing Street, January 4, 1904.

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 11th of December,† with further reference to the question of the importation of Asiatic labour into Rhodesia.

2. I am to inform you that Mr. Lyttelton regrets that, in view of the great importance of the issues involved, he is unable to modify his decision that before proceeding further he must have an opportunity of considering the report and evidence of the Transvaal Labour Commission, and of receiving the report which he has asked for from the Resident Commissioner.

I am, &c.,
M. F. OMMANNEY.

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* [Cd. 1200.]

† No. 6.

No. 8.

HIGH COMMISSIONER VISCOUNT MILNER to MR. LYTTELTON.

(Received January 9, 1904.)

High Commissioner's Office, Johannesburg,
December 21, 1903.

SIR, WITH reference to your telegram of the 30th of November, No. 1,* I have the honour to forward a copy of a report by the Resident Commissioner on the question of the importation of Chinese Labour for Southern Rhodesia.

I have, &c.,
MILNER,
High Commissioner.

Enclosure in No. 8.

RESIDENT COMMISSIONER, Salisbury, to HIGH COMMISSIONER.

Resident Commissioner's Office, Salisbury,
December 11, 1903.

SIR, IN compliance with the instructions contained in Your Excellency's telegram, of the 1st instant, covering a telegram addressed to you by the Secretary of State calling for a report by me on the subject of the importation of Chinese Labour for Southern Rhodesia, I have the honour to represent that there is reason to believe that the recent agitation in favour of the introduction of Chinese Labour lacked spontaneousness.

2. The present position of the mining industry is unsatisfactory. This seems primarily due to two causes: (1) want of money; (2) want of continuous and efficient labour.

3. For money to enable the respective managers to do justice to the properties already gold producing, and to develop new, and in some cases, promising propositions, it is generally recognised that much depends on the prosperity of the Rand and consequently when the following telegrams were submitted to the mining and various other public bodies, resolutions were carried by all with one exception in accordance with the views suggested.

From the Land and Mine Owners' Association, London:—

(1) 11th November. Very urgent. Call meetings at once of all possible representative public bodies to request Administrator and Colonial Office to give effect to Immigration Ordinance, 1902, by naming China as country from which immigration is permitted.

(2) 13th November. Referring to our previous cable resolution of representative public bodies, unanimous if possible, in favour of Chinese Labour. It is essential we should receive cable not later than Tuesday; we are asking High Commissioner to receive us on Wednesday.

4. The general opinion of Europeans in Southern Rhodesia has so far been expressed as opposed to the introduction of Asiatics except as a last resort. The resolution, copies of which are attached, urge that this stage has been arrived at. This I think open to question. For some months of this year, owing largely to an influx of natives from Northern Rhodesia in search of employment, the supply of unskilled labour exceeded the demand, but as the season approached for preparing the land for next year's crops, the great majority of the northern natives left, while as usually happens a large proportion of the local natives returned to their homes. This year it is exceptionally marked, and owing to the disinclination to leave their families in a season of dearth, such as now prevails, recruiting came nearly to a standstill. Moreover, the great demand for natives at the Rand, and the inducements offered, diverted to the Transvaal mines the supply hitherto derived from Portuguese Territory and Northern Transvaal, of Shangaan and Inhambane natives, the best by far of underground workers, so that at present the demand for labour in Southern Rhodesia exceeds the supply, though this is not the sole, or even the

* No. 3.

principal, cause of so many of the mines having shut down of late, it has led to serious loss and embarrassment, and materially conduced to this result. There are, however, grounds for believing that this state of things is at least in some measure due to temporary or exceptional causes, and to look for improvement in the near future.

5. A Labour Bureau has but recently been organised, and as soon as the planting season is over, I anticipate good work from it. The northern natives, who may shortly be expected, will prove less raw each year they work, and a proportion will doubtless be found worth training for mining and other labour. The railway extension to the north on which approximately 3,000 natives are now employed is expected to reach the Zambesi in May or June next; should it be carried further labour will probably be drawn to a greater degree than at present from the natives of Northern Rhodesia, and some of those now on railway construction will seek work nearer their homes. Should Chinese Labour be introduced in the Transvaal no doubt many of the natives employed on the Rand will prefer to work in a territory free from foreign competition.

6. It is also to be considered that throughout the territory scarcity of labour is much more felt at some mines than at others. Those that have a bad name amongst the natives are always in trouble, even when they manage to secure the numbers they require, desertions are frequent, and they are soon again in want. The managements are sufficiently alive to their own interests to do their best to make the mines attractive. The natives seldom complain, they prefer to run away and it is often difficult to ascertain the cause of their dissatisfaction. I believe, in some cases, at least, it is due to the way in which natives are treated by European miners in charge of them, and over whom it is impossible to exercise an efficient and constant control. If this is the case it will probably be found that the substitution of Chinese for natives will not relieve unpopular mines.

7. For these reasons it appears to me that it is premature to come to an immediate decision on the introduction of Chinese. I am supported in this by the opinion expressed to me by the Administrator that it is probable that should the Secretary of State give the asked-for approval, no immediate action is likely to follow. He suggested that an exception to this might possibly be in the case of the Wankie Coal Mine, where the margin of profit and loss is unavoidably drawn so fine as to necessitate a large and constant output. The supply of coal from this source is likely to reduce the cost of gold mining.

8. In connection with the subject of Chinese immigration, there have been, so far, but two public meetings held, both in Salisbury. At the first, held on the 4th December, a resolution was passed by a bare majority requesting the Administrator to give immediate effect to the Immigration Ordinance, 1901, by naming China as one of the countries from which labour may be imported under provision of the Ordinance. This resolution was supported by both of the elected members of the Legislative Council. The second, held on the 10th instant, was larger and more representative, except as regards the mining element, when resolutions were passed by a large majority (there were but two dissentiants, and some few abstained from voting): (1) recording the opposition of the meeting to the introduction of Asiatic Labour into any part of South Africa; (2) Qualifying this in case of the Transvaal should a majority of the white population favour the measure; (3) protesting against the proposal to put the Immigration Ordinance, of 1901, in force; (4) representing the urgent necessity of introducing legislation to prevent the entrance into Rhodesia of any Asiatic but a British subject.

9. Out of the six elected members of the Legislative Council four have taken an active part in support of facilitating the immediate introduction of Chinese Labour, so to obtain the opinion of the constituencies on a question of such moment it would be necessary to dissolve the present Council, and appeal to the electors on this issue, and should it prove necessary to come to an early decision this is the course I recommend.

His Excellency
The High Commissioner,
Johannesburg.

I have, &c.,
M. Clarke,
Resident Commissioner.

(1.)

RESOLUTION unanimously passed at full meeting of Chamber of Mines, Bulawayo, on November 16, 1903. Capital represented sixteen millions.

"As in the opinion of this Chamber it has been conclusively proved that a continuous and regular supply of unskilled native labour sufficient for the mines of South Africa is unobtainable, and that the mining industry of Rhodesia since its inception has been, and continues to be, severely crippled in consequence, nearly all the mines being shorthanded, and some having already closed down, it is, therefore now resolved, as a last resource, to again request His Honour the Administrator to immediately give effect to the Immigration Ordinance of 1901, and to name China as one of the countries from which unskilled mine labour may be imported under the provisions and restrictions provided by that Ordinance."

(2.)

RESOLUTION passed by the Salisbury Chamber of Mines at a meeting held on November 16, 1903.

"Unanimously resolved that in the opinion of this Chamber the local supply of native labour is totally inadequate to meet the requirements of the mining industry in Rhodesia.

That the industry is entirely crippled by this scarcity of labour, and the progress of the country is, in consequence, seriously restricted.

That the only remedy is to bring into operation the Immigration Ordinance of 1901, with permission to import labour from China under the provisions of that Ordinance.

That this resolution be forwarded to His Honour the Administrator with the request that it be transmitted to the Secretary of State for the Colonies at the earliest possible moment."

(3.)

RESOLUTION adopted at a meeting of the Salisbury Chamber of Commerce, held on November 14, 1903.

"That in the opinion of this Chamber it is highly desirable that the Immigration Ordinance of 1901 be brought into operation, giving permission for the importation of Chinese Labour, the present supply of natives being quite inadequate for the needs of the mining industry of this country."

(4.)

RESOLUTION passed by the Bulawayo Chamber of Commerce at a meeting held on November 16, 1903.

"That His Honour the Administrator be requested to give effect to the Immigration Ordinance of 1901 by naming China as a country from which immigration of unskilled mine labour may be permitted under the restrictions provided for by that Ordinance."

(5.)

RESOLUTION passed at a meeting of the Landowners' and Farmers' Association, Bulawayo, held on November 16, 1903.

We desire to inform Your Honour that meeting to-day passed same resolution as Chamber, Mines, regarding Chinese Labour.

(6.)

RESOLUTION passed at a meeting of the Executive Committee of the Mashonaland Farmers' Association, held at Salisbury, on November 14, 1903.

"That this Association is desirous of supporting the Transvaal in the importation of Chinese Labour if the majority of the inhabitants of that Colony are in favour of it.

With regard to Rhodesia, however, it is the opinion of the Executive Committee of this Association that the introduction of Chinese would be detrimental to its best interests, and therefore oppose the bringing into operation of the Immigration Ordinance of 1901, giving permission for the introduction of Chinese Labour; and recommends that a poll-tax of £100 be imposed upon each Chinaman entering Rhodesia."

Carried by 3 votes to 2.

(7.)

RESOLUTION unanimously passed on 21st November, 1903, by employees of Globe and Phoenix and Gaika Companies, Sebakwe.

"That as in the opinion of this meeting of the employees of the Globe and Phoenix and the Gaika Gold Mining Companies it has been conclusively [*See* 1 above] provided by the Ordinance."

(8.)

RESOLUTION passed at a Public Meeting held at Salisbury on 3rd December, 1903.

"That in the opinion of this meeting the supply of unskilled native labour for the mines in South Africa is totally insufficient.

That the mining industry in Rhodesia has been severely crippled in the past by scarcity of such labour, and at the present time is almost at a standstill owing to the same cause, and that all other industries are affected in a greater or less degree.

That there is no prospect under present legislation of obtaining an increased supply of local labour.

That as a last resource it is resolved to request the Administrator to give immediate effect to the Immigration Ordinance of 1901 by naming China as one of the countries from which unskilled labour may be imported under the provisions and restrictions contained in the said Ordinance."

(9.)

RESOLUTIONS passed at a Public Meeting held at Salisbury on December 10, 1903.

1. That this meeting is opposed, on broad principles, to the introduction of Asiatic labour into any part of South Africa.

2. If, however, it can be shown that a reasonable majority of the white population of the Transvaal is in favour of the importation of Chinese Labour into that Colony, then this meeting is not prepared to offer any opposition to such a course, provided that the most stringent measures are enforced to protect the remaining South African Colonies.

3. That in the case of Rhodesia this meeting protests most strongly against the proposal to put into force the Immigration Ordinance of 1901 on the grounds: (a) that the imperative necessity for the importation of Chinese Labour has not yet been proved; (b) that the proposed legislation offers no protection whatever to the people of this country against the wholesale importation of skilled Chinese Labour, neither does it prevent the entrance of the free Chinaman into this territory at his own desire, or at the instigation of interested parties.

4. That this meeting wishes to draw the attention of the Government to the urgent necessity of immediately introducing legislation to prevent the entrance into Rhodesia of any Asiatic who is not a British subject, and further suggests that a prohibitive penalty should be imposed for any infringement of the law.

No. 9.

High Commissioner VISCOUNT MILNER to Mr. LYTTELTON.

(Received January 9, 1904.)

High Commissioner's Office, Johannesburg,
December 21, 1903.

Sir,

With further reference to your telegram of the 30th of November, No. 1,* I have the honour to enclose a copy of a despatch from the Resident Commissioner of Southern Rhodesia covering a copy of one from the Administrator, in which he requests that you may approve of China being named as a country from which immigration shall be permitted under the conditions laid down in Ordinances No. 18, of 1901, and No. 3, of 1902.†

I have, &c.,
MILNER,
High Commissioner.

Enclosure in No. 9.

Resident Commissioner, Salisbury, to High Commissioner.

Resident Commissioner's Office, Salisbury,
December 12, 1903.

Sir,

I have the honour to forward, for Your Excellency's information, a copy of a despatch addressed to me by the Administrator covering copy of a Minute passed at a meeting of the Executive Council held on the 24th of November, together with copies of resolutions adopted at meetings of the principal public bodies and at public meetings, on the subject of the importation of labourers from China under the provisions of the Immigration Ordinances 1901 and 1902.

I have, &c.,
M. Clarke,
Resident Commissioner.

His Excellency
The High Commissioner,
Johannesburg.

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* No. 3.

† See Appendix.

Administrator's Office, Salisbury, December 7, 1903.

SIR,

I HAVE the honour to forward, for transmission to His Excellency the High Commissioner, copy of a Minute passed at a meeting of the Executive Council held on the 24th ultimo, together with copies of resolutions adopted at meetings of the principal public bodies and at public meetings, on the subject of the importation of labourers from China under the provisions of the Immigration Ordinances 1901 and 1902.

These resolutions, with the exception of that adopted by the executive of the Farmers' Association in Salisbury call upon the Government to nominate China as a country from which importation may be allowed in terms of Section 2 of Ordinance 18 of 1901, as amended by Section 2 of Ordinance 3 of 1902.

Section 5 of the latter Ordinance provides that a licence to import labour under contract shall only be granted to persons acting for this Administration, which is, therefore, the sole judge whether immigration shall be permitted or not, when any application for foreign labour is made.

While I believe that every section of the population desires that if possible the industries of the country shall be carried on without recourse to imported—and especially Asiatic—labour, it becomes increasingly evident that for the purposes of the mining industry in particular the local supply is neither adequate nor efficient.

The mines for several years past have, for underground labour, been almost entirely dependent upon supplies from Portuguese Territories, the local natives and the great majority of those from the Northern Provinces being only willing to undertake—and suitable for—surface work.

Notwithstanding the refusal of the Portuguese Governments to allow recruiting for Southern Rhodesia within their areas of administration, a very considerable number of natives from that region have until recently, of their own accord sought work in this territory. Otherwise many mining companies would long ago have had to suspend operations.

The greatly increased activity of the Agents of the Rand Native Labour Association has during the present year resulted in a serious diminution in the influx of labour, not only from this source but from countries further north, from which a considerable supply had previously come into this country.

Out of the comparatively small number of the larger producing mines, at least four are now idle, in consequence of the impossibility of keeping up the supply of mining boys, while others, both producing and non-producing, are most seriously hampered in their work by the same cause.

As the mines are at present, and will probably be for some years, the sole producers of any magnitude, the effect of this condition of affairs upon the whole community is most serious, and, indeed, critical; and the position demands that some steps should be taken to place the industry upon a more secure basis in this respect.

Your Honour is aware that efforts have been made to secure a supply of labour from other parts of Africa, and from Arabia.

These met with no success whatever, the labour introduced proving to be wholly unsuitable for the purposes for which it was required.

After full consideration of all the circumstances the Council is of the opinion that the request preferred in the accompanying resolutions should be acceded to, and I have the honour to request that the Secretary of State may be moved to approve of China being named as a country from which immigration shall be permitted under the stringent conditions laid down in the Ordinances above quoted.

I have, &c.,

W. H. MILTON,

Administrator.

His Honour

The Resident Commissioner,

Salisbury.

(Minute.)

(Subject.)

China named as a country from which immigration permitted under Immigration Ordinance.

After consideration of the resolutions* received from the Chambers of Mines, Chambers of Commerce, and Farmers' Associations of Salisbury and Bulawayo, the Council recommend that the Right Honourable the Secretary of State for the Colonies be requested in accordance with the provisions of Section 2 of the Immigration Ordinance, 1901, as amended by the Ordinance, No. 3, of 1902, to name China as a country from which immigration shall be permitted under the provisions and restrictions of the said Ordinances.

Approved in Executive Council.

J. Robertson,
Clerk of Council.

November 24, 1903.

No. 10.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received January 29, 1904.)

[*Answered by No.* 11.]

2, London Wall Buildings, London, E.C., January 28, 1904.

Sir,

I am directed to refer to your letter of the 3rd December last,† and to previous correspondence, respecting the request of the Company that the sanction of the Secretary of State should be given to the importation into Southern Rhodesia of indentured Asiatic labour under the provisions of the Immigration Ordinances of 1901 and 1902, and to transmit, for the information of Mr. Lyttelton, a copy of a further letter, which has been addressed to the Board by the Rhodesian Land and Mine Owners' Association, dated 27th instant.

Having regard to the fact that the gravity of the economic situation in Southern Rhodesia, caused by insufficiency of unskilled labour, is daily becoming more serious, my directors trust that Rhodesia may receive equal consideration with the Transvaal Colony, and that, in the event of the early assent of the Secretary of State being given to the Immigration Ordinance, which is about to be passed by the Legislative Council of the Transvaal Colony, the Administrator of Southern Rhodesia may be authorised to publish simultaneously the required notice sanctioning the importation of Chinese labour under the Rhodesian Immigration Ordinances.

I am, &c.,
J. F. JONES,
Joint Manager and Secretary.

Enclosure in No. 10.

Secretary, Rhodesian Land and Mine Owners' Association, to the British South Africa Company.

The Rhodesian Land and Mine Owners' Association,
3, Copthall Buildings, London, E.C., January 27, 1904.

Dear Sir,

I am directed to draw your attention to the reports in the public press as to the progress of the Labour Bill in the Legislative Council at Pretoria. From these

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* Resolutions (1) to (8) inclusive in No. 8.

† No. 5.

reports it may be assumed that the measure will very soon be passed. The recent public utterance of the High Commissioner (quoted also in the newspapers) indicates that the Imperial Authorities have now considered the evidence and report of the Labour Commission, and will allow the legislation to be put in force. My Council would therefore ask your Board again to submit to the Secretary of State, the urgency of the matter as regards Rhodesia, and to suggest that his sanction to the application now before him be given simultaneously with his sanction to that which will no doubt be made in a short time by the Transvaal.

Yours faithfully,
GEORGE R. SAUNDERS,
Hon. Secretary.

The Secretary,
British South Africa Company,
2, London Wall Buildings, E.C.

No. 11.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

[*Answered by No.* 13.]

Downing Street, March 10, 1904.

SIR,

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 28th of January,* asking that the required notice sanctioning the importation of Chinese labour into Southern Rhodesia under the Ordinances, No. 18 of 1901 and No. 3 of 1902, may be published as soon as His Majesty's assent is given to the Transvaal Labour Importation Ordinance.

2. I am to refer to the letter from this Department of the 3rd of December,† and to say that, having considered the evidence given before the Transvaal Labour Commission, and in view of the report of the Resident Commissioner in Southern Rhodesia, of which a copy is enclosed,‡ Mr. Lyttelton is not prepared to give his sanction at this stage, and is of opinion that the question is one which cannot be settled without discussion in the Legislative Council, which contains representatives elected by the white inhabitants of Southern Rhodesia.

Resident Commissioner, 11 Dec., 1903.

3. Your Directors will remember that when the Ordinance of 1901 was under consideration, Mr. Chamberlain informed them in his letter of 26th June§ of that year, that "any scheme for introducing Chinese labour must be considered separately later on, and after it has been discussed locally," and that until he was in possession of a clear expression of local South African opinion on this subject, he was unable to commit himself in regard to the matter.

4. Mr. Lyttelton is unable to arrive at a final decision in regard to this matter until an opportunity has been given for the Elected Members of the Legislative Council to express their views, in the light of the Transvaal Ordinance and of the regulations which are being framed under it, so far as they may be suitable or applicable, and I am to enquire whether your Directors agree with the recommendation made in Sir M. Clarke's report, that the present Council should be dissolved in order that a clear expression of the opinion of the electors might be obtained upon the question, or whether they consider that the present Council should in special session deal with the matter.

I am, &c.,
H. BERTRAM COX.

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* No. 10. † No. 5. ‡ Enclosure in No. 8. § *See* p. 74 of [Cd. 1900], July 1902.

No. 12.

MR. LYTTELTON to HIGH COMMISSIONER VISCOUNT MILNER.

(Sent 4.20 p.m., March 11, 1904.)

TELEGRAM.

March 11. No. 3. Your despatch, 21st December,* my despatch, 9th December.† I have now informed British South Africa Company that, having considered evidence given before Transvaal Labour Commission and in view of Resident Commissioner's Report, of which copy sent to them with letter, I am not prepared at this stage to give sanction to notice permitting importation of labour from China, and that I am of opinion that question is one which cannot be settled without discussion in Legislative Council. After referring to statement in letter to British South Africa Company of 26th June, 1901, that any scheme for introducing Chinese labour must be considered separately later on and after it has been discussed locally and that until Secretary of State was in possession of a clear expression of local South African opinion on the subject unable to commit himself (see p. 74 of Cd. 1200), I have said that I am unable to arrive at final decision until opportunity has been given for elected members of Legislative Council to express their views in the light of Transvaal Ordinance and Regulations being framed under it, so far as they may be suitable and applicable, and I have inquired whether Directors agree with recommendation of Resident Commissioner that present Council should be dissolved in order that clear opinion of electors might be obtained or whether they consider that the present Council should in special session deal with matter.

Inform Resident Commissioner, who should show telegram to Administrator.

No. 13.

BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received March 31, 1904.)

[*Answered by No.* 15.]

SIR, 2, London Wall Buildings, London, E.C., March 30, 1904.

I AM directed to refer to your letter of the 10th instant,‡ upon the subject of the suggested importation of Chinese labour into Southern Rhodesia, and to transmit, for the information of the Secretary of State, copies of further correspondence (as per margin) which the Board has had with the Rhodesian Land and Mine Owners' Association.

To Rhodesian Land and Mine Owners' Association, March 16, 1904.
From Rhodesian Land and Mine Owners' Association, March 19, 1904.

In regard to the fourth paragraph of your letter, I am to say that the Board, on general public grounds, is strongly opposed to the recommendation of Sir Marshal Clarke that the Legislative Council should be dissolved at the present time; and that the Board proposes, as the Legislative Council elected only two years ago will meet on May 24th, that an expression of its opinion should be obtained on the question of the importation of indentured Asiatic labour before any decision be adopted as to the expediency of putting the country to the expense and inconvenience of an emergency general election.

I am, &c.,
D. E. BRODIE,
Assistant Secretary.

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* No. 9.

† Not printed; it formally transmitted copies of Nos. 1, 2, 4 and 5.

‡ No. 11.

Enclosure 1 in No. 13.

BRITISH SOUTH AFRICA COMPANY to the RHODESIAN LAND AND MINE OWNERS' ASSOCIATION.

The British South Africa Company,
2, London Wall Buildings, London, E.C.,
March 16, 1904.

DEAR SIR,

I AM directed to transmit herewith, for the information of your Council, copy of a letter dated the 10th instant from the Colonial Office, upon the subject of the importation of Chinese labour into Southern Rhodesia, with a report from Sir Marshal Clarke upon the same subject; and to say that the Board of this Company will be glad to receive any observations which your Council may desire to make in regard to this correspondence.

I am, &c.,
J. F. JONES,
Joint Manager and Secretary,
per A. P. M.

The Secretary,
Rhodesian Land and Mine Owners' Association,
3, Copthall Buildings, E.C.

Enclosure 2 in No. 13.

THE RHODESIAN LAND AND MINE OWNERS' ASSOCIATION to the BRITISH SOUTH AFRICA COMPANY.

The Rhodesian Land and Mine Owners' Association,
3, Copthall Buildings, London, E.C.,
March 19, 1904.

MY LORD DUKE,

THIS Association is in receipt of a letter, dated 16th instant, from the British South Africa Company, communicating the decision of the Colonial Secretary to postpone, once more, the sanction required in order to give effect to the Ordinance of 1901, providing for the importation of indentured labour into Southern Rhodesia. That decision is conveyed in a letter, dated 10th instant, to the British South Africa Company from Mr. Bertram Cox, to which is appended a report from the Resident Commissioner in Southern Rhodesia to the High Commissioner.

The Members of the Council, having considered the above-mentioned documents, have asked me to present to Your Grace their views thereon.

With reference to paragraph 2 of the letter of Mr. Bertram Cox, the Council is unable to understand why the consideration of the evidence given before the Transvaal Labour Commission should cause the Secretary of State to decide not "to give his sanction at this stage" for the importation of Chinese labour into Southern Rhodesia, seeing that the evidence clearly points to a general inadequacy of the supply of labour in South Africa, and therefore to the necessity for Asiatic labour in Rhodesia as well as in the Transvaal.

As the Secretary of State has postponed his sanction in view of the report of the Resident Commissioner, the following comments on that report seem to us to be very necessary, notwithstanding that matters treated in it were fully discussed in the Memorandum on the subject sent by the Council on the 25th November last to the Secretary of State at his request.

We gather from paragraphs 1, 2 and 3 of the report that the Resident Commissioner has misunderstood the action taken four months ago, and the Council therefore, desires to put on record the facts of the case, which are as follows:—

This Association (The *Rhodesian* Land and Mine Owners' Association) wa

formed two years ago, for the purpose of centralizing the interests of all concerned in the industrial development of Rhodesia. The Association has nothing to do with the Rand, and has had no communication with anyone connected with the Rand. The Council, since the date of its incorporation, has made every effort to secure the introduction of Asiatic labour into Rhodesia, which was seen at, and even before, that date, to be vital to the progress and prosperity of the Colony. Last November in the belief that a personal representation to the High Commissioner (who before his impending departure, had the opportunity of conferring with the Secretary of State) would give substantial support to an application under the Ordinance, the Council telegraphed to the leading representative bodies in Rhodesia, requesting them to re-affirm the opinion they had expressed in 1901.

The Resident Commissioner is perfectly correct in his statement that the present unsatisfactory position of the mining industry is due to "want of money" and "want of continuous and efficient labour." In other words, the present economic condition of the country does not justify the expenditure of the further capital which is necessary for the industrial expansion of the Colony, and the protection and support of the existing large interests there. It is the duty of this Association, as the representative of those who, in great measure, render the development of the Colony possible, to use every endeavour to remedy the condition acknowledged by the Resident Commissioner to exist.

The Resident Commissioner's reasons for advising "that it is premature to come to an immediate decision on the introduction of Chinese" seem to the Council to be inadequate. In paragraph 4, he himself shows that the supply of labour is not constant, and at the date of the report insufficient even for the work then in progress; he admits too that these conditions have led to "serious loss and embarrassment." So far we are agreed, but we cannot agree that the shortage in December was due to the fact that it was a "season of dearth," or to any other "exceptional cause." It is evident, as was proved six months earlier, that in such a season (after the failure of native crops), labour is *more* plentiful, and statistics show that in December (and during the whole of the sowing season) recruiting invariably "comes nearly to a standstill." The Resident Commissioner's anticipations of "improvement in the near future" can only be taken as referring to the annual transitory increase, which may always be counted on after the sowing season, during the weeks from February to May. Such increase is no evidence of that material and permanent improvement in the general conditions governing the supply of labour which the Resident Commissioner seeks to prove.

Paragraph 5 refers to three matters, which call for the following observations: (a) with regard to the Labour Bureau, the Council would repeat the remark in the Memorandum of November last, viz., "A better organisation for recruiting may have some effect on the supply, but none who know the native think for a moment that the habit of industry (which is the essential of a satisfactory type of labourer) will be implanted in him by the Bureau." (b) In the endeavour to meet the requirements of the mines now working, the whole region north of the Zambesi, nearly to Tanganyika, has been recruited, but it has been found that the climate of the Southern Rhodesian plateau does not suit these Northern natives, who consequently do not develop any desire to work there. Moreover, it is generally agreed that the mineral and agricultural development of Northern Rhodesia, following the extension of the Railway is creating a demand for labour in those regions which will tend to reduce the supply available for Southern Rhodesia. (c) As the Chinese are only to supplement the supply of natives on the Rand it is difficult to see how any native, anxious to work there, will find himself prevented by competition.

The Resident Commissioner, in paragraph 6, suggests, that certain mines have a bad name amongst the natives, owing to ill-treatment by the European miners, and that these mines will not be "relieved" by the substitution of Chinese for natives. It is impossible at any mine to prevent an occasional case of ill-treatment, but, having regard to the strict regulations at the mines, to the constant inspection by the Administration and to the severity of the Law in this matter, persistent cruelty such as the Resident Commissioner's words seem to imply is practically impossible. His own statement that "the managements are sufficiently alive to

their own interests to do their best to make the mine attractive" is, moreover, in the view of the Council, a sufficient refutation of his suggestion. In any case, the argument of the Resident Commissioner with reference to the assumed ill-treatment of Chinese is difficult to follow. Surely the conditions under which Chinese would be employed are such that detection (and consequent prevention) of ill-usage would be inevitable.

The Council has noticed with very grave concern, the statement of the Resident Commissioner in paragraph 7, that he is supported in his views by the opinion expressed to him by the Administrator, to the effect that it is probable that no immediate action would follow, were the Secretary of State now at last to grant the sanction necessary to give effect to the law of the country. Possibly enquiries on this head may elucidate a statement which at present appears to us inexplicable. It must be remembered that the Council always contemplated an experimental introduction of a comparatively small number of Asiatics in the first place—sufficient only to ensure continuous extraction from the producing mines. The urgency of the case does not, however, lie with the actual present requirements alone. Until the possibility of obtaining an adequate and constant supply of labour is assured, any further progress in Rhodesia is barred. No capital will be forthcoming for investment in the numerous large and promising mining properties existing in Rhodesia (which have already had large sums laid out on them) under present conditions and prospects with regard to labour.

The Council does not agree that the position at the Wankie Coal Mines is exceptional; a "large and constant output" is a condition necessary to the profitable working of every crushing mine. The statement that "the supply of coal from this source (Wankies) is likely to reduce the cost of working," is practically immaterial to the Resident Commissioner's argument. When coal can be delivered at the mines at such a price as to be more economical than wood fuel, there will be a fractional reduction in one item of the large expenditure necessary to work a quartz reef mine, but such a saving, though in itself of importance, will form no appreciable set-off against the high cost of intermittent production consequent on an inadequate labour supply.

So far as we are able to understand the Resident Commissioner's report, it contains no convincing answer in the affirmative to the question: Is there, or is there not, for Rhodesia, an unfluctuating indigenous industrial population, sufficient for the steady development of all the industries of the country, and for the maintenance of a continuous and increasing production from the mines? The Council contends that its Memorandum, already referred to, furnished a conclusive reply in the negative. In point of fact, if further evidence to this effect were needed, Sir Marshal Clarke's own words of two years ago would supply it. In his despatch to the Colonial Office, dated March 14th, 1902 (Blue Book, Southern Rhodesia, July, 1902, No. 48*), he says:—

> ". . . many enterprises are checked for want of labour, and with the continual development of the territory this will be accentuated, as the population is sparse and cannot meet a large demand for work. Another well-founded complaint one often hears is the short term of service given by the native—seldom exceeding three months at a time—whereas mining purposes require a continuous and dependable supply of labour. For this I see no immediate remedy. Something may be done by employers improving food and accommodation and ensuring their men good and sympathetic treatment; but I believe in the end it will be found necessary to introduce labour from abroad to supplement that derived from the indigenous native of South Africa."

I trust that Your Grace may lay this letter before your Board of Directors, and that the Secretary of State may be made acquainted with the views expressed in it.

I am, &c.,

T. Blair Reynolds,
Chairman.

To His Grace the Duke of Abercorn, K.G.,
President of the British South Africa Company,
2, London Wall Buildings, E.C.

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* P. 130 of [Cd. 1200.]

No. 14.

MR. LYTTELTON to HIGH COMMISSIONER VISCOUNT MILNER.

(Sent 2.45 p.m., April 30, 1904.)

TELEGRAM.

April 30. No. 1. Referring to my telegram, 11th March, No. 3.* British South Africa Company are opposed to recommendation of Resident Commissioner that Legislative Council should be dissolved at present time and propose that expression of opinion of existing Council should be obtained on question of indentured Chinese labour at its meeting on 24th May before decision taken as to expediency of early general election. I am replying that I agree to proposal and that I have so informed you.

No. 15.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

Downing Street, May 3, 1904.

SIR,

I AM directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 30th of March† transmitting copies of correspondence which the Board of Directors of the British South Africa Company has had with the Rhodesian Land and Mineowners Association on the subject of the suggested importation of Chinese labour into Southern Rhodesia and intimating that the Board is opposed to the recommendation of Sir Marshal Clarke that the Legislative Council should be dissolved at the present time.

2. I am to say in reply that Mr. Lyttelton is prepared to agree with the proposal of the Board that an expression of the opinion of the existing Legislative Council, which will meet on May 24th, should be obtained on the question of the importation of indentured Chinese labour before any decision is taken as to the expediency of an early general election, and that he has so informed Lord Milner by telegraph.

I am., &c.,
H. BERTRAM COX.

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* No. 12.

† No. 13.

APPENDIX I.

Ordinance No. 18, 1901.]

SOUTHERN RHODESIA.

AN ORDINANCE to provide for and regulate the Importation of Labourers into Southern Rhodesia, the Management and Disposal of such Labourers and other purposes.

BE IT ENACTED by the Administrator of Southern Rhodesia, with the advice and consent of the Legislative Council thereof, as follows :— Preamble.

PRELIMINARY.

1. In this Ordinance, unless the context otherwise requires :— Definitions.

(1) "Rules" means any rules made under this Ordinance.

(2) "Inspector" includes any inspector of immigrants acting in the district, or in the performance of any duty assigned to him under the provisions of this Ordinance, or under any rules.

(3) "Medical Officer" includes any medical officer acting in relation to any works hospital, or duty to which his attendance is appointed under this Ordinance, or under any rules.

(4) "Works" means any mine, or public or private works (including the construction of any railway) approved of by the Administrator.

(5) "Mine" includes any place, either on or below the surface of the ground, where any operation of mining, or in connection with a mining purpose, is carried on ; and "Mining Purpose" means the purpose of obtaining or extracting any metal or mineral by any mode or method, and includes the purpose of exercising any right lawfully acquired in connection with mining.

(6) "Employer" includes the person or persons for the time being having the personal charge of or chief authority upon any works at which immigrants are or are proposed to be employed, whether such person be proprietor, lessee, attorney, manager, overseer, or other employee at such works.

(7) "Immigrant" means an unskilled labourer, and includes any person introduced into Southern Rhodesia under this Ordinance.

(8) "Persons" includes individuals, partnerships, companies, and corporations.

2. (1) The Administrator, with the advice and consent of the Executive Council, may by notice in the *Gazette* name the countries from which immigration to Southern Rhodesia is permitted under this Ordinance ; Provided that no such notice shall be given in respect to India or any Colony or Dependency of the United Kingdom of Great Britain and Ireland without the consent of a Secretary of State, or of the Governor or chief Executive Officer of such Colony or Dependency. Countries from which immigration is permitted.

(2) The provisions of this Ordinance shall extend or apply to immigration from the countries so named only.

(3) Immigration from British and Portuguese Possessions in Africa, south of Latitude twelve degrees South, shall not be subject to the provisions of this Ordinance.

THE IMMIGRATION DEPARTMENT.

3. (1) The Administrator shall establish an Immigration Department for the purposes of this Ordinance. Immigration Department and Protector of Immigrants.

(2) The Administrator may appoint a Protector of Immigrants (hereinafter called "the protector") who shall be head of the Immigration Department, and may remove such protector. Subject to the control and direction of the Administrator, the protector shall have authority over all persons employed in the immigration service of Southern Rhodesia, or in the execution of this Ordinance, or any rules, and shall have the general management and superintendence and direction of the Immigration Department, and of the officers thereof, and shall perform such duties in relation to immigration as may be entrusted to him by or under this Ordinance, and shall have all the powers of an Inspector of Immigrants under this Ordinance.

4. The Administrator may from time to time appoint and remove such inspectors of immigrants, medical officers, clerks and other officers as may be necessary for the performance of the duties of the Immigration Department, and may from time to time assign the districts within which they shall respectively act. Power of Administrator to appoint and remove Officers, &c.

5. The protector, and the inspectors, medical officers, clerks and other officers, shall be paid such salaries and allowances as the Administrator shall authorise. Salaries and allowances of Officers.

Immigration Contractors.

Contractors.

6. Only a person licensed on that behalf by the Administrator (the granting and refusal of the licence being in the uncontrollable discretion of the Administrator) may introduce any immigrant into Southern Rhodesia. A person so licensed is hereinafter called a "contractor." The licence of a contractor shall bear a stamp of the value of £10, which shall be paid and properly cancelled before the issue of the licence. Every contractor shall give to the Administrator such security, and in such form, as the Administrator may require for the due performance and observance by such contractor of the provisions of this Ordinance, and of any rules made thereunder, and of all contracts entered into by him with immigrants under the next following section hereof. No contractor shall be an employer of immigrants. In the event of the appointment of any board or boards by the Administrator for the purpose of collecting and distributing labour, such board or boards shall be deemed to be contractors within the meaning of this Ordinance.

Contract to be entered into with immigrants.

7. A contractor proposing to introduce any immigrant into Southern Rhodesia shall enter into a written contract in English with every immigrant he proposes to introduce. By every such contract it shall be provided,

(1) That the immigrant agrees to serve some company or person named in the contract, or to whom on arrival in Southern Rhodesia he may be allotted by the Protector, for a certain period at a stated wage.

(2) that the wages of the immigrant shall begin and be reckoned from the date on which he commences work, and that suitable food shall be provided on his journey to and from Southern Rhodesia.

(3) that the contractor shall deduct from the wages of the immigrant with whom it is entered into, a proportion thereof not exceeding the proportion fixed by the protector, and shall pay such proportion monthly to the protector, and

(4) that the immigrant shall agree to leave Southern Rhodesia and to return to the place from which he came immediately his term of service has expired, or sooner if it be found necessary or expedient, as provided by law.

Return to be provided to Protector by Contractor.

8. Every Contractor shall transmit to the protector a return shewing,

(1) the age and previous occupation, as nearly as the same can be ascertained, of every immigrant, when introducing him into Southern Rhodesia ;

(2) a copy of the contract entered into with him ;

(3) the name and works of the employer for whom he proposes to introduce such immigrant, and

(4) such other particulars as the protector may from time to time direct ;

and shall transmit with such return an abstract of the certificate of some medical officer as to the soundness of constitution and fitness for labour of each such immigrant.

Females and Children not to be introduced without special permission.

9. No person shall introduce as an immigrant any female, or any person who is under the age of sixteen years, except with the written approval of the Administrator first had and obtained.

Rules.

Protector may make rules.

10. The protector may, with the approval of the Administrator, from time to time, make, and when made, alter and revoke rules :

(1) for the government of the Immigration Department and of all persons engaged in carrying out the provisions of this Ordinance or any rules ;

(2) fixing the proportion of wages which may be deducted as mentioned in Section 7 hereof, the minimum daily wage of immigrants, and the minimum payment for task work ;

(3) for the housing, clothing, rations, and feeding of immigrants and all matters connected therewith or relating thereto respectively ;

(4) for the medical inspection, sending to and reception in hospital of immigrants, and generally for all matters relating to the health of immigrants ;

(5) for preventing breaches of the peace or disorderly conduct in the celebration of religious rites and festivals by immigrants ;

(6) generally for more fully and effectually carrying out the provisions of this Ordinance ;

(7) for enforcing the performance and observance of such rules by penalties fixed by the protector, with such approval as aforesaid, and not exceeding £5, or imprisonment not exceeding two months in the case of breaches by immigrants, and not exceeding £50 or imprisonment not exceeding six months in the case of breaches by any other persons.

Fiscal Provisions.

Immigration Fund.

11. For the purposes of this Ordinance there shall be a fund called the "Immigration Fund," which shall be administered by the Administrator.

How to be administered.

12. The immigration fund shall be credited with all sums received on account of licences, indenture fees, stamps, and penalties payable under this Ordinance, or under any rule, on account of any vote in aid of immigration for the time being made, and on account of moneys received in respect of deductions from the wages of an immigrant as mentioned in Section 7 hereof, and on account of all other matters, and shall be debited with the whole cost of immigration under this Ordinance. The moneys received in respect of such deductions as aforesaid shall be carried to the account of the immigrant from whose wages they were deducted, and shall carry interest at the rate of four per cent. per annum, calculated yearly. Upon the termination of the indenture of an immigrant the protector shall pay to such immigrant the moneys carried to his account with interest as aforesaid.

Amount of Indenture fee.

13. The indenture fee payable by an employer to the immigration fund in respect of each immigrant allotted to him shall be such sum as may from time to time be fixed by the Administrator.

Fee to be Security for Return Passages, &c.

14. The indenture fee payable in respect of any immigrant shall be security for the payment by the person liable to pay the same, of the return passage of such immigrant (and of his wife and children, if any) to the country from which he came, and for the payment of all other moneys payable by the employer of such immigrant on account or in respect of any immigrants contracted to be supplied to or employed by him.

Fee may be paid by instalments.

15. Unless the Administrator specially requires the indenture fees on any allotment to be paid in cash, payment of one-third thereof shall be made in cash forthwith, and the balance, for which approved security shall be given to the Administrator, shall be payable as follows: one-half at the end of one year from the date of allotment, with interest at the rate of five per cent. per annum, and the remaining half, with interest at the same rate, at the end of two years from the date thereof: Provided that if the employer refuses or neglects to pay the amount of indenture fees within six days after his account has been rendered to him by the protector, either wholly in cash or partly in cash with a deposit of approved security, as aforesaid, the whole shall thereupon fall due and become payable in cash. If the employer neglect to make payment as herein provided, a writ of execution may be taken out summarily in any competent court by the protector, against the property of the employer, in satisfaction of what is due, and the indenture may be cancelled by the protector.

Administrator to have preferent lien in respect of money due to Immigration Fund.

16. The Administrator shall, in respect of all securities so deposited and sums of money due to the immigration fund on account of any immigrants indentured on any works, have and hold for the same on behalf of the British South Africa Company a preferent lien on such works over and above all other liens, claims, and charges whatsoever, except mortgages, liens, and preferent rights of the British South Africa Company, and such as may have been allowed or created by any Ordinance or by the common law.

Lien to continue notwithstanding sale, &c.

17. If any works, in respect whereof the Administrator holds a preferent lien as aforesaid, are sold or devolve by inheritance, devise, or otherwise howsoever, the preferent lien of the Administrator upon such works shall subsist and continue notwithstanding such sale or devolution.

Application for Immigrants.

Licence of Employer, and Contract between Employer and Contractor.

18. Any employer licensed in that behalf by the Administrator (the granting and refusal of the licence being in the uncontrollable discretion of the Administrator) to employ immigrants, who desires to obtain an allotment of immigrants, may contract with a contractor for the supply of the number of immigrants he may want, and any contractor may contract with an employer so authorised, but with no other person, for such supply. Every such contract shall bear a stamp of one shilling in respect of every immigrant contracted to be supplied. No employer shall receive a licence until the protector shall have certified in writing that proper accommodation for immigrants has been provided, and that he is satisfied that such employer is in a position to carry out the contract satisfactorily.

Contracts to be registered by Protector.

19. Every employer and contractor who has entered into any such contract shall forthwith send to the protector a copy thereof, together with full particulars of the number and ages of immigrants of each nationality required, and the name and situation of the works at which the immigrants are to employed, and the name of the proprietor of the works, and shall produce the contract to the protector duly stamped. The protector shall register every such contract and all such particulars in the Register of Contracts for Immigrants.

Contract not affected by death, insolvency, or absence of employer.

20. No contract shall be rendered invalid or be in any way affected by reason of the death, insolvency, or absence of the employer by whom such contract was made, or by reason of the sale of the works in respect of which such contract was made, and no contract of which a copy has been sent to the protector may be withdrawn without the permission of the protector.

Protector may refuse to allow Contract to be carried out.

21. The protector may, with the approval of the Administrator, refuse to allow any contract for the supply of immigrants to be carried out, in case he sees reasonable grounds for such refusal.

Employer takes over and performs Contract made with Immigrants.

22. The employer shall take over the contracts made by the contractor with the immigrants supplied to him, and shall perform and observe the provisions thereof so far as they were to be performed or observed by the contractor.

Allotment of Immigrants.

Allotment of Immigrants.

23. The protector shall sanction the allotment of immigrants in accordance with the registered contracts, except such contracts as he shall not allow to be carried out.

Members of one family, &c., to be kept together.

24. In the allotment of immigrants, so far as may be possible, members of the same family, and neighbours from the same village, and persons who may agree in representing themselves to be friends and associates, shall not be separated from each other.

Indentures of Immigrants.

Indentures.

25. On the completion of every allotment of immigrants, the protector shall deliver to the employer or his representatives an indenture and list in a form in the schedule to this Ordnance, a duplicate whereof shall be signed and delivered to the protector by the employer or his representatives, and the employer and immigrant shall thereupon be bound by such indenture, and every such indenture and list and every extract from such register signed by a protector shall be receivable in evidence of any indenture or allotment therein specified, without further proof.

Register of Immigrants.

26. The protector shall keep a general register of immigrants, and shall insert therein the names of all immigrants arriving in Southern Rhodesia, and shall number each immigrant by a particular number proceeding by regular numerical progression, and shall distinguish therein under different heads, the number, name, age, and country of every immigrant, and the time when and the place from which such immigrant has arrived, and the cost of the passage of such immigrant, and the name of the contractor by whom, and of the employer or other person at whose expense, such immigrant has been introduced, and of the employer to whom he may be indentured on his arrival.

Term of Indenture.

27. The indentures of immigrants shall be for a term of not less than two and not more than five years from the date of allotment, unless otherwise directed by the Administrator.

If works sold, bequeathed, &c., Immigrant to render service to purchaser or heir.

28. When any works are sold or leased, or devolve by inheritance, devise, or otherwise, the indentured immigrants thereon (unless transferred to some other works with the consent of the immigrant) shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, administrators, or assigns, and for the same term as they would have been bound to render to their original employer. For the purpose of deciding any disputes as to title, any person who is actually in possession of the works shall be deemed to be entitled to the services of the immigrants.

Transfer of Immigrants.

Cancellation of Indenture, and transfer of Immigrant.

29. If at any time it appears to the protector that any immigrant indentured on any works should be removed therefrom, he may, with the approval of the Administrator, cancel his indenture and re-indenture him for the remainder of his term of service to some other employer licensed by the protector to employ immigrants for the remainder of his term of service. Such other employer shall pay therefor in cash or shall deposit security such as the protector requires.

Obligation of Employer from whom Immigrant transferred to be reduced.

30. Such transfer of any immigrants shall not cancel the obligation of the employer from whom they are removed, but he shall be entitled to a reduction proportioned to the numbers removed and their unexpired terms of service, which reduction shall be written off the unredeemed security and shall be paid by the new employer in such manner as the protector may require.

Incapacity of Immigrant from infirmity or sickness.

31. The protector may in his discretion relieve any works or the employer of any indentured immigrant from the care of an immigrant incapable of service from permanent infirmity or sickness, and may direct that a certificate of exemption from further service be granted to such immigrant, and that he be received into and retained in any hospital or in any general depôt that may be established at the charge of the immigration fund, until an opportunity offers to send him back to the place from which he came. Such relief shall only be granted at the request of the employer of the immigrant, and shall not affect any liability in respect of any indebtedness for the cost of such immigrant, or for his free pass (with his wife and children if any) to the place from which he came, as provided in Section 42.

Labour Law.

Employment and leave.

32. Every employer shall be bound to give work to every immigrant for six days in every week except authorised holidays and days when work is impossible by reason of very bad weather or other cause, and if any immigrant being willing and able to work has no work given to him to do on any working day, then he shall be entitled to his full day's wages for every day so lost to him. Provided that by mutual consent one or more day's leave may be given and taken without wages.

Working days.

33. Every immigrant in the absence of any express agreement to the contrary, and except in case of illness or of such bad weather or other cause as prevents work, or of other good cause beyond his control, shall be bound to work upon or in the service of the works mentioned in his indenture, or otherwise for the service of his employer, for nine hours of each day, except on Sunday, Good Friday, New Year's Day, and Christmas Day, and such other holidays, or days to be observed as festivals according to the national custom of the class of immigrants to which such immigrant is registered as belonging, as the Administrator from time to time sanctions and appoints.

Day Wages.

34. Every immigrant shall be paid by day wages, at the rate for each working day not less than that fixed by rule, and shall be bound to do every working day a fair day's work of nine hours a day, having regard to his strength.

Task Work and Special Bargains.

35. Any immigrant, instead of working for day's wages, may, if desired both by himself and his employer, do task work at not less than the minimum rate of payment fixed by rule. Any immigrant may make any bargain he pleases with his employer for working at any time extra hours by night or otherwise. In the case of any task work or bargain being arranged or entered into as aforesaid a proper record of the same shall be kept in such manner as the protector may require.

Payment of Wages.

36. All wages duly earned by an indentured immigrant shall, less the deductions mentioned in Section 7 hereof, be paid in money weekly, without any deduction except for the cost of rations, and any postponement of payment, and any payment of wages in kind, shall be taken as an unlawful

withholding of wages, and no employer supplying goods on credit to any of his indentured immigrants shall be entitled to stop the price thereof out of any wages which may be due or thereafter earned by such immigrant.

Pay Book.

37. Every employer of immigrants under indenture shall provide and keep on each works in which he employs such immigrants a book to be called the "Pay Book," shewing the daily earnings of such immigrants. The pay book shall be in such form as the protector may require.

Pay to commence from date on which work commenced, and to end on expiry of indenture.

38. The wages of an immigrant shall begin and be reckoned from the date on which he commences work, and no wages shall be payable after the expiry of the period of his indenture.

Debts.

Immigrant not liable to action for recovery of debt.

39. No immigrant shall be liable to any action or proceeding for the recovery of any debt or liability contracted or incurred by him during the term of his indenture, nor shall he be liable whilst under indenture to imprisonment for debt, nor shall it be lawful for any creditor of such immigrant to attach his wages or levy upon his goods during the continuance of the indenture.

Return Passages.

Immigrants may be ordered to be returned.

40. If any immigrant, who has contracted to serve in Southern Rhodesia, shall on or after his arrival refuse, without good and sufficient reason, to proceed to the works where his service is to be performed, or to perform such service, he may, at the discretion of the Administrator, be ordered to be returned to the country from which he came. The Administrator may likewise order the return of any immigrant, and of his wife and children, if any, whenever it may appear expedient or necessary to do so.

Control of immigrant after service completed.

41. Every immigrant, who has completed his term of service, or has been relieved therefrom, or ordered by the Administrator to return, shall be placed under the direct charge and custody of the Protector, who shall keep such immigrant, and his wife and children, if any, in some suitable place properly set apart for the purpose, and take the necessary steps for the prompt return of such immigrant to the country from which he came.

Free return passage.

42. The Protector shall, at the expense of the employer who originally employed him, provide a free return passage for every immigrant and his wife and children, if any.

Vaccination.

Vaccination.

43. On or before the location of any immigrants upon any works, the medical officer shall vaccinate such immigrants and members of their families, if any, as in his opinion have not been vaccinated, or may in his opinion need such protection.

Vaccination of infants

44. The medical officer shall from time to time vaccinate all infants of immigrants, if any, before they attain the age of twelve months.

Rations.

Rations.

45. All rations to be supplied by an employer under any rules shall be supplied by the employer, and no order for goods on any shopkeeper or any other person shall be given instead of such rations, or of any part thereof, and no rations supplied otherwise than as hereby provided shall be allowed in the employer's account as a charge against an indentured immigrant.

Cost of rations may be charged against immigrant.

46. Rations duly supplied according to this Ordinance or any rules to an immigrant may be charged for by the employer against such immigrant at the usual cost price of the articles supplied at the place where the immigrant is employed, and the protector from time to time may fix and by notice in the *Gazette* may declare for this purpose the cost price of such rations in all or any of the places where immigrants are employed.

Inspection of Immigrants and Hospitals.

Medical Inspection.

47. A medical officer appointed under this Ordinance shall inspect all immigrants brought into Southern Rhodesia under this Ordinance immediately on their arrival in the country, and shall set aside such of them as from their state of health appear to be unfit to be indentured, and the immigrants so set aside shall be provided for until they are fit to be indentured, or can be sent back to their own country, and the expense of inspecting, maintaining, and treating such immigrants, and if necessary sending them (and their wives and children, if any) back to their own country, shall be paid by the contractor introducing them.

Inspection of immigrants' dwellings, registers, &c.

48. The protector or an inspector or a medical officer may at any time enter upon any works upon which immigrants are indentured, and inspect the condition of their dwellings, and may require a muster of the immigrants on the works, and the protector or an inspector may also examine the books in which earnings of the immigrants are entered, and all other books and registers relating to immigration matters on the works, and may enquire into any complaint having reference to immigration matters.

Inspection of hospitals.

49. The protector or an inspector shall visit every hospital in which immigrants may be treated, and may at any time enter therein and inspect the condition and general treatment of immigrants

therein, and may enquire into all matters touching any immigrants therein, or any immigrants refused admission thereto, and shall report to the Administrator respecting any neglect coming under the notice of such protector or inspector, and generally as to the treatment of any immigrants in such hospitals.

Taking of evidence.

50. An inspector for the purpose of any enquiry under this Ordinance, or any rule made under this Ordinance, may require and take evidence on oath, affirmation, or solemn declaration.

Official visitors' Book.

51. There shall be provided by the employers, and kept upon every works on which immigrants are indentured, and there shall be kept in every hospital in which immigrants may be treated, a book to be called the "Immigrant's Official Visitors' Book," which book shall be always accessible to the protector and inspector and the medical officer.

Entries to be made therein.

52. The protector, the inspector, and the medical officer respectively, shall on each official visit that any one of them makes to any works or hospital, make an entry thereof in the Immigrant's Official Visitors' Book, and shall add any remarks or directions with respect to the treatment of the immigrants that may appear necessary.

Protection of Immigrant and His Property.

Protector may enter plaint on behalf of immigrant.

53. When an immigrant makes a complaint to an inspector against his employer, or any attorney, agent, or servant of his employer, for non-payment of wages or for any injury or damage alleged to have been caused to such immigrant by the person complained of, the protector, may, if he thinks fit, with the consent of the immigrant, on behalf and for the benefit of the immigrant, enter a plaint in a Magistrate's Court, and prosecute the same, and incur reasonable expenses thereabout, at the discretion of the Magistrate, as provided in the Masters and Servants Law.

Information or complaint to be free from stamp duty.

54. Every information or complaint laid by any immigrant under this Ordinance or under any rule shall be free of stamp duty.

Monthly returns.

55. Every employer having immigrants shall at the end of every calendar month furnish to the protector a return in such form as may be prescribed by the protector with the sanction of the administrator, shewing the name of every immigrant on the works, and the wages earned during each week in the said month by each such immigrant. Every such return shall be verified by the signature of the employer, for the accuracy of which return he shall be responsible under this Ordinance.

Intestate estates.

56. The protector is charged with the duty of collecting and taking possession of the property of any immigrant who may die intestate in this territory, and to deliver with as little delay as possible all such property to any person who shall establish a right thereto to the satisfaction of the protector, or in the absence of such person, to sell the said property and pay the proceeds thereof to the British South Africa Company in its local treasury. It shall be lawful for the protector at any time within ten years, computed from the date of the death of the intestate, to withdraw such proceeds in order to pay the same to any person resident within or beyond this territory, who may prove his right thereto to the satisfaction of the protector. In the event of no such withdrawal the said protector may, at the expiration of ten years computed as aforesaid, withdraw such money in order that the same may be by him applied with the sanction of the Administrator to the relief of distressed immigrants or their descendants being in distress, if any, in this territory : Provided that the protector may charge against any intestate estate the expenses reasonably connected with its administration, and file a proper account thereof with the Administrator for his approval ; and provided further that any person who feels himself aggrieved by any decision or order made by the said protector under this section, may appeal to the High Court within six months from the date of such decision or order.

Desertion.

Register of desertions and leave of absence.

57. Every employer shall provide and keep for each of his works a register of desertions and leave of absence, and shall enter therein every desertion from the works, with the date on which the immigrant deserting was last seen at such works, and a note of every pass granted by him to an immigrant, with the date and period of such pass. The register shall be in such form as may be required by the protector, and shall be accessible at all times to the protector or an inspector.

Report of desertions.

58. Every employer, when it comes to his knowledge that an immigrant has deserted from his works, shall without delay report the desertion at the nearest police station. In such report the distinguishing number, name, and description of the immigrant, with the date of his indenture, and every other information likely to facilitate his apprehension, shall be stated.

Arrest of immigrants who have deserted.

59. An employer, or any of his employees, or any inspector, or any member of a police force, or any official of the Native Department, may without a warrant stop an immigrant who at any time (except Sundays or the holidays or festivals mentioned in this Ordinance) is found at any distance of more than two miles from the works in respect of which his services may be due, and if any immigrant so found fails to produce, upon being required to do so, a certificate of exemption or of service or a written ticket of leave signed by his employer, may take him back, or if he refuses to disclose the name of the works take him forthwith before an inspector or a Magistrate or Special Justice of the Peace, who shall forthwith enquire into the case, and unless he is satisfied that the immigrant has completed such service, or obtained such exemption as aforesaid, or that he is absent from the works in respect of which his services shall be due with the leave of his employer, shall make an order for his immediate committal as a deserter, to the nearest prison, with or without hard labour, for a term not exceeding thirty days.

60. No person shall receive into his employment any indentured immigrant not indentured to him by the protector. Immigrants to be indentured by protector only.

61. Every person not so entitled, who harbours or employs any indentured immigrant shall, in addition to the penalty provided by section 64, sub-section (16), pay to the employer entitled to the services of the immigrant four shillings for every day during which he has so employed or harboured the immigrant, which payment shall be enforceable in the same way as payment of any sum for which an order of payment is made by a Magistrate. Person who illegally harbours immigrant to pay 4s. per diem to employer.

62. When an immigrant has been employed or harboured upon any works contrary to the provisions of the two preceding sections of this Ordinance, the person having the personal charge and superintendence of the works shall be deemed to be a person employing or harbouring the immigrant. Person in charge of work to be deemed to be the person harbouring immigrant.

63. If any employer states upon oath before any Magistrate or Justice of the Peace that he has reasonable cause to suspect that any immigrant is harboured or employed on the premises of any person, a Magistrate or Special Justice of the Peace may grant a warrant to search for such immigrant, and bring him and the person by whom he may be harboured, concealed, or employed, before him to be dealt with as provided by this Ordinance. Warrant to search.

Crimes, Offences, &c.

64. The following persons shall be guilty of offences against this Ordinance, and shall be liable on conviction to both or either of the penalties herein specified in respect of such offences :— Offences and Penalties.

(1) Every employer who wilfully and intentionally furnishes and declares a return, under Section 55, which is false—fine not exceeding £50; imprisonment not exceeding 6 months.

(2) Every employer who fails to provide a register of desertions, as required by Section 57, or keep it correctly entered up—fine not exceeding £5; imprisonment not exceeding 2 months.

(3) Every employer who shall fail to report the desertion of an immigrant, or otherwise to comply with the provisions of Section 58—fine not exceeding £5; imprisonment not exceeding 2 months.

(4) Every employer who unlawfully withholds any wages or portion of wages earned by an indentured immigrant—fine not exceeding £5; imprisonment not exceeding 2 months.

(5) Every employer who assaults or in any way ill-uses any immigrant—fine not exceeding £10; imprisonment not exceeding 3 months.

(6) Every immigrant who falsely or fraudulently pretends that he has completed his term of service, or who uses, gives, or lends any certificate or passport, or who wilfully counterfeits or alters any certificate or passport, or uses or attempts to use any pass signed by his employer, not being the immigrant to whom such certificate or pass was granted—fine not exceeding £2; imprisonment not exceeding 21 days.

(7) Every immigrant who attempts to quit Southern Rhodesia without a passport—fine not exceeding £10; imprisonment not exceeding 3 months.

(8) Every immigrant who refuses or neglects to appear at any time when required before any inspector or medical officer, or who resists any lawful order for his conveyance to hospital or production before the medical officer—fine not exceeding £1; imprisonment not exceeding 14 days.

(9) Every immigrant who keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health, or who refuses or neglects for 24 hours, after being requested so to do, to remove any nuisance or substance injurious to health from his dwelling, or to remove any such nuisance or substance which he may have caused or placed in the immediate proximity of any other dwelling—fine not exceeding £2; imprisonment not exceeding one month.

(10) Every immigrant rationed under this Ordinance, who sells or barters any ration, or part of a ration, furnished under this Ordinance, or any rule—fine not exceeding £1; imprisonment not exceeding 14 days.

(11) Every person who takes by way of purchase or barter from any immigrant rationed under this Ordinance or any rule, any such ration or part of a ration—fine not exceeding £5; imprisonment not exceeding 2 months.

(12) Every immigrant who is drunk, or conducts himself in an idle or disorderly manner, or assaults his employer or any other person upon any works, or makes use of threatening or abusive language, or by negligence or carelessness or other improper conduct, damages or destroys, or causes to be damaged or destroyed, any property of his employer or through carelessness or negligence suffers the same to be damaged or destroyed, or persuades or attempts to persuade any other immigrant unlawfully to refuse, absent himself from, or desist from work—fine not exceeding £5; imprisonment not exceeding 2 months.

(13) Every immigrant who, without just or lawful cause refuses to proceed to the works where his service is to be performed, or refuses to begin, continue, or finish any particular

work assigned to him, or who is unlawfully absent from work, or guilty of wilful indolence during working hours, fine not exceeding £3; imprisonment not exceeding one month.

(14) Every indentured immigrant who deserts his work, on first conviction—fine not exceeding £2; imprisonment not exceeding 21 days; and on a second or subsequent conviction —fine not exceeding £5; imprisonment not exceeding 2 months.

(15) Every immigrant who, on being brought before an inspector or to any police station, refuses to give his name and any other information that may be required by such inspector, or by the officer in charge of such police station for purposes of identification —fine not exceeding £1; imprisonment not exceeding 14 days.

(16) Every person not being entitled to the service of an indentured immigrant, who harbours or employs any such immigrant, or who inveigles or entices any such immigrant to quit or desert from his legal service—fine not exceeding £5; imprisonment not exceeding 2 months.

(17) Every person who shall employ any immigrant otherwise than as an unskilled labourer, that is to say, to perform work not customarily performed by native unskilled labourers in this territory—fine not exceeding £50; imprisonment not exceeding 3 months.

(18) Every employer who shall, without the sanction of the protector, transfer any immigrant to any works other than that to which he has been allotted—fine not exceeding £50; imprisonment not exceeding 3 months.

(19) Every person who, by any act or omission, obstructs, molests, hinders, or opposes any officer of the immigration department in the due execution of his duty, or in the exercise of any of the powers or authorities conferred on him by or under this Ordinance, or any rule—fine not exceeding £10; imprisonment not exceeding 3 months.

(20) Every person who receives or harbours an immigrant who has not obtained a passport, with intent to carry such immigrant out of Southern Rhodesia; penalties in respect of each immigrant—fine not exceeding £10; imprisonment not exceeding 3 months.

(21) Every immigrant for whose profit a provision or other shop is kept, wholly or in part— fine not exceeding £5; imprisoment not exceeding 2 months.

(22) Every immigrant who shall endeavour to escape from the custody of the Protector, as mentioned in Section 41, either before or during his return journey, besides forfeiting, at the uncontrollable discretion of the Protector, the moneys carried to his account under Section 12, to the British South Africa Company in its local treasury—fine not exceeding £5; imprisonment not exceeding 2 months.

In each and any of the above cases imprisonment when awarded may be with or without hard labour as the Court shall direct. The foregoing penalties shall be independent of any other punishment to which the offender may be liable.

Employer may be required to advance fine.

65. The protector may, in any case in which an immigrant is fined, authorise his employer to pay the fine, and (subject to any deductions which may be made, as mentioned in Section 7 hereof) to deduct the same from the immigrant's wages. The protector shall keep a register in which he shall record every authority so given.

Jurisdiction of Magistrates, &c.

66. All offences against this Ordinance, or any rule, shall be tried and disposed of by the Magistrate of the District in which the offence occurs, or by any Inspector or other officer who may be vested with jurisdiction for that purpose by the Administrator, with the consent of the High Commissioner.

Magistrates, &c., to furnish protector with statement of complaints brought before them.

67. Every Magistrate, Inspector or other Officer, as in the last preceding Section mentioned shall transmit to the protector, to be by him properly filed, a monthly statement of all complaints brought before him under this Ordinance, or any rules made thereunder, with the names of the complainants and accused, and the distinguishing numbers of the immigrants, and in each case the offence charged, and what has been his decision, and what sentence, if any, was passed, and what penalties, if any, had been paid into the immigration fund, and in cases of complaints not disposed of, why they were not disposed of.

When immigrant sentenced to imprisonment Clerk of Court to furnish protector with particulars.

68. Whenever any immigrant is sentenced to imprisonment for any crime or offence, the Clerk of the Court awarding the sentence must, within one calendar month of the date thereof, forward to the protoctor, to be by him properly filed, a return setting forth, as near as may be, the distinguishing number and name of the immigrant, the name of the works on which he is indentured, the offence of which he has been convicted, and the term of imprisonment to which he has been sentenced.

Miscellaneous.

Disabilities of immigrants.

69. No mining, trading, spirit or other licence whatsoever shall be granted to any immigrant, nor shall it be lawful for any immigrant to acquire, lease or hold any land or buildings, or carry on any occupation whatever except that of an unskilled labourer, or be registered as a voter. Any immigrant who shall be guilty of a breach of any of these provisions shall, on conviction, be liable to a fine not exceeding £10, and in default of payment to imprisonment with or without hard labour for any period not exceeding 3 months.

70. Every indenture, contract, document, or other proceeding, or any copy thereof, or any extract from the register directed to be kept by the protector, or an employer, certified by or purporting to bear the signature of the protector, or an inspector, shall be received as *prima facie* evidence of the original, and of the truth of the contents thereof. Certain documents to be received as prima facie evidence.

71. Except as is in this Ordinance otherwise provided, immigrants shall be subject to the Masters and Servants Law. Immigrants to be subject to Masters and Servants Law.

72. This Ordinance may be cited as the "Immigration Ordinance, 1901," and shall come into operation on such day as may be fixed by the Administrator by notice in the *Gazette*. Short title and date of taking effect.

SCHEDULE.

NOMINAL ROLL—

.....Immigrants from..... .....introduced by
.....Contractor, and indentured to. .....
as labourers on.....works in the district of.....

Distinguishing Marks.	Contractor's Name and Date of Arrival of Immigrant.	Names.	Age.

SOUTHERN RHODESIA—

THIS INDENTURE WITNESSETH that from this.....day of..... .....19.....
the immigrants scheduled above have been duly indentured by the Protector to A.B. for owner on..... .....works, for.....years, subject in all respects to the "Immigration Ordinance, 1901."

As witness our hands.....

APPENDIX II.

(Ordinance No. 3—1902.) Passed by the Legislative Council.

SOUTHERN RHODESIA.

AN ORDINANCE to amend the "Immigration Ordinance, 1901."

Preamble. BE IT ENACTED by the Administrator of Southern Rhodesia, with the advice and consent of the Legislative Council thereof, as follows :—

Short title. Repeal of repugnant law. 1. (1) This Ordinance shall be read as one with the Ordinance No. 18, 1901, the short title whereof is the "Immigration Ordinance, 1901," (hereinafter in this Ordinance referred to as "the said recited Ordinance,") and shall come into operation upon such date as may be appointed by the Administrator by Notice in the *Gazette*.

(2) This Ordinance may be cited as the "Immigration Ordinance Amendment Ordinance, 1902," and the said recited Ordinance and this Ordinance may be cited together as the "Immigration Ordinances, 1901 and 1902."

(3) So much of the said recited Ordinance as shall be repugnant to or inconsistent with the provisions of this Ordinance shall be and is hereby repealed.

Notice as to countries from which immigration permitted. 2. No such notice as is mentioned or referred to in sub-section (1) of section 2 of the said recited Ordinance shall be given in the *Gazette* without the previous consent and approval of his Majesty's High Commissioner for the time being for South Africa with the sanction of a Secretary of State.

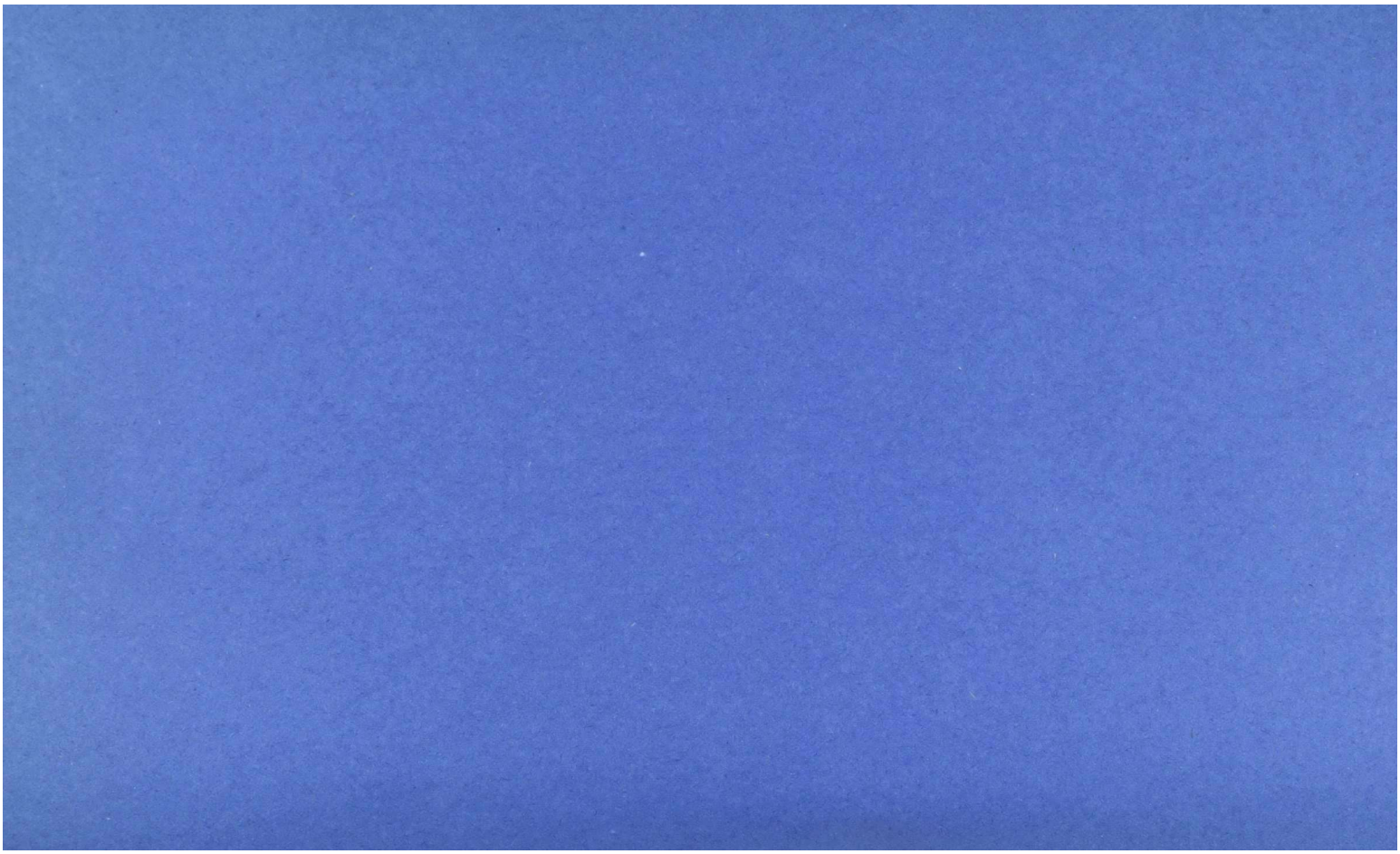
Appointment of Protector of Immigrants. 3. (1) The Protector of Immigrants for whose appointment provision is made by sub-section (2) of section 3 of the said recited Ordinance shall hold office during pleasure, and shall be appointed by a Secretary of State upon the nomination of the British South Africa Company.

(2) He shall not be removable from Office without the authority of a Secretary of State.

Appointment and removal of Officers. 4. (1) In regard to all officers to be appointed under the authority of section 4 of the said recited Ordinance, the provisions of the Southern Rhodesia Order in Council, 1898, with respect to the appointment, salaries, suspension, and removal of Magistrates, shall, *mutatis mutandis*, extend and apply.

(2) The High Commissioner and a Secretary of State shall have and exercise like powers with respect to such officers as are under the said Order in Council exercisable by them in the case of Magistrates.

Contractor's licences. 5. No licence shall be granted under the authority of section 6 of the said recited Ordinance to any person as a "Contractor" who is not acting for the Administration of Southern Rhodesia, which Administration shall be responsible and liable for the action or proper official conduct of every such contractor.



SOUTH AFRICA.

CENSUS RETURNS

OF

BRITISH SOUTH AFRICA.

Presented to both Houses of Parliament by Command of His Majesty.

July, 1904.

LONDON:
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,
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1904.

[Cd. 2103]. *Price* 2½*d*.

SOUTH AFRICA.

CENSUS RETURNS

OF

BRITISH SOUTH AFRICA.

I.—CAPE COLONY.

CENSUS OF THE CAPE OF GOOD HOPE, 1904.*

RETURN showing for each Census District of 1904 the Population enumerated on 5th April, 1891, and 17th April, 1904.†

CENSUS DISTRICT.	TOTAL PERSONS.				RACE DISTINCTION.							
					European or White.				Other than European or White.			
	1904.	1891.	Increase or Decrease.		1904.	1891.	Increase or Decrease.		1904.	1891.	Increase or Decrease.	
			Numerical.	Per cent.			Numerical.	Per cent.			Numerical.	Per cent.
1. *Aberdeen*	8,353	6,585	1,768	—	4,435	3,138	1,297	—	3,918	3,447	471	—
2. Albany	29,614	23,377	6,237	26·7	10,398	9,391	1,007	10·7	19,216	13,986	5,230	37·4
3. *Albert*	12,987	11,371	1,616	—	6,370	5,811	559	—	6,617	5,560	1,057	—
4. Alexandria	10,809	10,005	804	8·0	2,650	2,417	233	9·6	8,159	7,588	571	7·5
5. *Albwal North*	14,823	10,119	4,704	—	5,961	4,744	1,217	—	8,862	5,375	3,487	—
6. Barkly East	8,497	8,207	290	3·5	4,324	4,092	232	5·7	4,173	4,115	58	1·4
7. *Barkly West*	26,280	17,846	8,434	—	4,577	3,523	1,054	—	21,703	14,323	7,380	—
8. Bathurst	10,748	9,197	1,551	16·9	1,979	1,833	146	8·0	8,769	7,364	1,405	19·1
9. Beaufort West	10,682	9,239	1,443	15·6	4,823	3,875	948	24·5	5,859	5,364	495	9·2
10. *Belford*	13,179	11,866	1,313	—	2,323	2,370	– 47	—	10,856	9,496	1,360	—
11. Bredasdorp	7,666	6,607	1,059	16·0	4,228	3,271	957	29·3	3,438	3,336	102	3·1
12. *Brittstown*	8,901	4,846	4,055	—	3,431	2,2·5	1,176	—	5,470	2,591	2,879	—
13. Caledon	15,050	12,192	2,858	23·4	8,378	5,821	2,557	43·9	6,672	6,371	301	4·7
14. *Calvinia*	11,719	10,015	1,704	—	5,817	3,993	1,824	—	5,902	6,022	– 120	—
15. Cape	212,257	97,283	114,974	118·2	119,895	48,544	71,351	147·0	92,362	48,739	43,623	89·5
16. *Carnarvon*	5,791	6,051	– 260	—	2,750	2,652	98	—	3,041	3,399	– 358	—
17. Cathcart	11,459	6,881	4,578	66·5	2,593	2,119	474	22·4	8,866	4,762	4,104	86·0
18. Ceres	6,858	5,973	885	14·8	3,350	2,488	862	34·7	3,508	3,485	23	0·7
19. *Clanwilliam*	9,819	8,602	1,217	—	4,826	3,400	1,426	—	4,993	5,202	– 209	—
20. Colesberg	11,429	8,288	3,141	37·9	4,606	3,464	1,142	33·0	6,823	4,824	1,999	41·4
21. *Cradock*	18,563	15,244	3,319	—	7,702	6,602	1,100	—	10,861	8,642	2,219	—
22. East London	49,253	21,538	27,715	128·7	19,703	7,197	12,506	173·8	29,550	14,341	15,209	106·1
23. *Fort Beaufort*	19,958	14,596	5,362	—	3,695	3,105	590	—	16,263	11,491	4,772	—
24. *Fraserburg*	6,466	6,763	– 297	—	4,110	3,458	652	—	2,356	3,305	– 949	—
25. George	12,668	10,086	2,582	25·6	6,612	4,957	1,655	33·4	6,056	5,129	927	18·1
26. *Glen Grey*	55,062	39,616	15,446	—	690	1,163	– 473	—	54,372	38,453	15,919	—
27. *Graaff-Reinet*	20,145	16,419	3,726	—	7,806	6,217	1,589	—	12,339	10,202	2,137	—
28. *Hanover*	3,804	4,220	– 416	—	1,887	1,827	60	—	1,917	2,393	– 476	—
29. *Hay*	10,502	8,348	2,154	—	4,777	3,458	1,319	—	5,725	4,890	835	—
30. Herbert	11,531	9,074	2,457	27·1	2,886	2,434	452	18·6	8,645	6,640	2,005	30·2
31. Herschel	36,899	25,059	11,840	47·2	279	193	86	44·6	36,620	24,866	11,754	47·3
32. *Hope Town*	6,109	5,442	667	—	3,140	2,537	603	—	2,969	2,905	64	—
33. *Humansdorp*	14,001	11,706	2,295	—	5,115	4,067	1,048	—	8,886	7,639	1,247	—
34. *Jansenville*	11,326	9,287	2,039	—	5,200	4,134	1,066	—	6,126	5,153	973	—
35. *Kenhardt*	6,881	5,465	4,416	—	3,907	2,208	1,699	—	2,974	3,257	– 283	—
36. *Kimberley*	60,045	47,947	12,098	—	20,478	20,187	291	—	39,567	27,760	11,807	—
37. *King William's Town*	103,552	81,264	22,288	—	11,334	8,589	2,745	—	92,218	72,675	19,543	—
38. Knysna	9,333	6,931	2,402	34·73	4,599	3,710	889	24·0	4,734	3,221	1,513	47·0
39. Komgha	14,706	6,941	7,765	111·9	1,640	1,345	295	21·9	13,066	5,596	7,470	133·5
40. Ladismith	8,675	6,704	1,971	29·4	4,928	3,652	1,276	34·9	3,747	3,052	695	22·8
41. *Malmesburg*	29,628	23,204	6,424	—	13,558	10,077	3,481	—	16,070	13,127	2,943	—
42. Middelburg	20,133	9,689	10,444	107·8	10,074	4,042	6,032	149·2	10,059	5,647	4,412	78·1
43. *Molteno*	9,578	5,353	4,225	—	3,409	2,412	997	—	6,169	2,941	3,228	—
44. Mossel Bay	10,698	7,286	3,412	46·7	5,243	3,445	1,798	52·2	5,455	3,841	1,614	42·0
45. *Murraysburg*	3,563	4,518	– 955	—	1,614	1,517	97	—	1,949	3,001	– 1,052	—
46. *Namaqualand*	20,540	15,493	5,047	—	4,907	3,284	1,623	—	15,633	12,209	3,424	—
47. Oudtshoorn	30,325	23,870	6,455	27·0	15,138	11,576	3,562	30·8	15,187	12,294	2,893	23·5
48. *Paarl*	30,350	21,487	8,863	—	12,441	8,269	4,172	—	17,909	13,218	4,691	—
49. Peddie	19,703	16,525	3,178	19·2	1,343	1,458	– 115	– 7·9	18,360	15,067	3,293	21·9
50. *Philip's Town*	5,739	5,929	– 190	—	3,213	2,843	370	—	2,526	3,086	– 560	—
51. Piquetberg	14,435	11,587	2,848	24·6	8,897	6,515	2,382	36·6	5,538	5,072	466	9·2
52. Port Elizabeth	46,626	25,408	21,218	83·5	23,782	13,939	9,843	7·06	22,844	11,469	11,375	99·2
53. *Prieska*	5,624	4,446	1,178	—	2,931	2,083	848	—	2,693	2,363	330	—

* COLONIAL OFFICE NOTE.—The figures for Cape Colony are reprinted from the Cape Parliamentary Paper [G. 80–1904].

† NOTE.—Percentages are not shown for Districts printed in italics, as the 1891 figures are approximate only owing to changes in the divisional boundaries since that date. (See Report, sects. 36, 37.)

1500 G 537 Wt 7215 7/04 D & S 5 18612

Census of the Cape of Good Hope, 1904—*continued.*

Census District.	Total Persons.				Race Distinction.							
					European or White.				Other than European or White.			
			Increase or Decrease.				Increase or Decrease.				Increase or Decrease.	
	1904.	1891.	Numerical.	Per cent.	1904.	1891.	Numerical.	Per cent.	1904.	1891.	Numerical.	Per cent.
54. *Prince Albert*	9,333	7,023	2,310	—	5,177	3,705	1,472	—	4,156	3,318	838	—
55. *Queen's Town*	35,694	21,179	14,515	—	8,480	5,720	2,760	—	27,214	15,459	11,755	—
56. *Richmond*	4,883	5,097	- 214	—	1,861	1,875	- 14	—	3,022	3,222	- 200	—
57. Riversdale	13,707	11,366	2,341	20·6	7,947	6,203	1,744	28·1	5,760	5,163	597	11·6
58. Robertson	14,743	11,348	3,395	29·9	8,237	6,019	2,218	36·8	6,506	5,329	1,177	22·1
59. *Somerset East*	22,379	18,669	3,710	—	7,915	6,611	1,304	—	14,464	12,058	2,406	—
60. Stellenbosch	22,269	12,780	9,489	74·2	8,699	4,420	4,279	96·8	13,570	8,360	5,210	62·3
61. Steynsburg	6,147	7,052	- 905	-12·8	3,008	2,676	332	12·4	3,139	4,376	-1,237	-28·3
62. *Stockenstrom*	9,894	7,821	2,073	—	1,866	1,671	195	—	8,028	6,150	1,878	—
63. *Stutterheim*	12,230	8,245	3,985	—	2,180	1,871	309	—	10,050	6,374	3,676	—
64. Sutherland	4,455	4,012	443	11·0	2,843	2,191	652	29·8	1,612	1,821	- 209	-11·5
65. Swellendam	13,876	11,256	2,620	23·3	7,657	5,585	2,072	37·1	6,219	5,671	548	9·6
66. Tarka	9,319	7,443	1,876	25·2	3,309	3,149	160	5·1	6,010	4,294	1,716	40·0
67. Tulbagh	7,431	5,654	1,777	31·4	2,304	1,865	439	23·5	5,127	3,789	1,338	35·3
68. Uitenhage	31,900	20,947	10,953	52·3	12,485	7,185	5,300	73·8	19,415	13,762	5,653	41·1
69. Uniondale	9,432	8,415	1,017	12·1	5,056	3,927	1,129	28·7	4,376	4,488	- 112	- 2·5
70. *Van Rhynsdorp*	5,082	4,418	664	—	2,726	1,507	1,219	—	2,356	2,911	- 555	—
71. *Victoria East*	17,128	15,000	2,128	—	1,561	1,354	207	—	15,567	13,646	1,921	—
72. *Victoria West*	7,443	6,530	913	—	3,568	3,040	528	—	3,875	3,490	385	—
73. *Willowmore*	11,888	9,202	2,686	—	5,840	4,404	1,436	—	6,048	4,798	1,250	—
74. *Wodehouse*	21,678	11,848	9,830	—	7,055	4,876	2,179	—	14,623	6,970	7,653	—
75. *Worcester*	18,922	12,562	6,360	—	7,869	5,065	2,804	—	11,053	7,497	3,556	—
76. Maclear	6,223	3,901	2,322	59·5	1,393	1,092	301	27·6	4,830	2,809	2,021	71·9
77. *Matatiele*	33,765	18,411	15,354	—	1,207	646	561	—	32,558	17,765	14,793	—
78 Mount Ayliff	16,913	12,025	4,888	40·6	171	210	-39	-18·6	16,742	11,815	4,927	41·7
79. Mount Currie	12,331	7,373	4,958	67·2	1,638	1,220	418	34·3	10,693	6,153	4,540	73·8
80. *Mount Fletcher*	24,273	13,862	10,411	—	321	86	235	—	23,952	13,776	10,176	—
81. Mount Frere	32,978	23,089	9,889	42·8	229	296	-67	-22·6	32,749	22,793	9,956	43·7
82. Qumbu	31,337	23,368	7,969	34·1	184	128	56	43·7	31,153	23,240	7,913	34·5
83. Tsolo	31,665	24,108	7,557	31·3	271	65	206	316·9	31,394	24,043	7,351	30·6
84. Umzimkulu	32,974	26,481	6,493	24·5	454	407	47	11·5	32,520	26,074	6,446	24·7
85. *Elliot*	10,517	5,180	5,337	—	4,282	2,879	1,403	—	6,235	2,301	3,934	—
86. *Elliotdale*	29,317	21,983	7,334	—	162	35	127	—	29,155	21,948	7,207	—
87. *Engcobo*	59,834	55,493	4,341	—	409	330	79	—	59,425	55,163	4,262	—
88. *Mqanduli*	35,451	28,895	6,556	—	182	70	112	—	35,269	28,825	6,444	—
89. *St. Mark's*	37,577	22,136	15,441	—	461	267	194	—	37,116	21,869	15,247	—
90. Umtata	43,428	34,999	8,429	24·1	1,670	1,010	660	65·3	41,758	33,989	7,769	22·9
91. *Xalanga*	15,027	11,428	3,599	—	891	485	406	—	14,136	10,943	3,193	—
92. *Butterworth*	19,212	15,312	3,900	—	579	221	358	—	18,633	15,091	3,542	—
93. Idutywa	27,590	25,707	1,883	7·3	310	219	91	41·5	27,280	25,488	1,792	7·0
94. *Kentani*	34,236	29,026	5,210	—	197	192	5	—	34,039	28,834	5,205	—
95. Nqamakwe	34,186	30,442	3,744	12·3	244	173	71	41·0	33,942	30,269	3,673	12·1
96. Tsomo	20,026	16,623	3,363	20·2	169	131	38	29·0	19,857	16,532	3,325	20·1
97. Willowvale	42,397	36,413	5,984	16·4	205	83	122	147·0	42,192	36,330	5,862	16·1
98. Walfish Bay	1,015	768	247	32·2	145	31	114	367·7	870	737	133	18·0
99. Bizana	33,146	—	—	—	124	—	—	—	33,022	—	—	—
100. Flagstaff	25,962	—	—	—	161	—	—	—	25,801	—	—	—
101. Libode	24,933	—	—	—	168	—	—	—	24,765	—	—	—
102. Lusikisiki	42,394	—	—	—	198	—	—	—	42,196	—	—	—
103. Ngqeleni	37,991	—	—	—	125	—	—	—	37,866	—	—	—
104. *Port St. John's*	8,915	(301)	—	—	227	(103)	—	—	8,688	(198)	—	—
105. Tabankulu	29,468	—	—	—	128	—	—	—	29,340	—	—	—
106. Gordonia	8,784	—	—	—	1,709	—	—	—	7,075	—	—	—
107. Mafeking	21,436	—	—	—	2,445	—	—	—	18,991	—	—	—
108. Vryburg, etc.	53,990	—	—	—	5,122	—	—	—	48,868	—	—	—
109. Islands (Ichaboe, excluded)	89	—	—	—	25	—	—	—	64	—	—	—
110. Travellers by Rail	2,993	—	—	—	1,778	—	—	—	1,215	—	—	—
Total	2,405,552	1,527,224	878,328	57·51	580,380	376,987	203,393	53·96	1,825,172	1,150,237	674,935	58·68

Census of the Cape of Good Hope, 1904.

Return showing for each Electoral Division and Electoral Province, as at present constituted, (*a*) the Population; (*b*) the number of Registered Voters, on 5th April, 1891, and 17th April, 1904.

Electoral Division.	Total Persons.				Race Distinction.								Registered Voters.			
					European or White.				Other than European or White.							
	1904.	1891.	Increase.		Persons.		Increase.		Persons.		Increase.		1904.	1891.	Increase.	
			Numerical.	Per cent.	1904.	1891.	Numerical.	Per cent.	1904.	1891.	Numerical.	Per cent			Numerical.	Per cent.
I. *Western Electoral Province.*																
1. Cape Town	87,483	54,879	32,604	59·41	51,708	27,928	23,780	85·14	35,775	26,951	8,824	32·74	17,131	5,485	11,646	212·32
2. Woodstock	47,067	12,291	34,776	282·93	27,567	6,300	21,267	337·57	19,500	5,991	13,509	225·49	6,442	1,089	5,353	491·55
3. Wynberg	59,534	20,993	38,541	183·59	31,153	10,187	20,966	205·81	28,381	10,806	17,575	162·64	4,914	1,895	3,019	159·31
4. Simonstown ..	18,173	9,120	9,053	99·27	9,467	4,129	5,338	129·26	8,706	4,991	3,715	74·45	1,634	877	757	86·32
5. Stellenbosch ..	22,269	12,780	9,489	74·25	8,699	4,420	4,279	96·81	13,570	8,360	5,210	62·32	2,195	1,442	753	52·22
6. Paarl	30,350	21,487	8,863	41·24	12,441	8,269	4,172	50·04	17,909	13,218	4,691	35·49	2,864	1,978	886	44·79
Total	264,876	131,550	133,326	101·35	141,035	61,233	79,802	130·32	123,841	70,317	53,524	76·10	35,180	12,766	22,414	175·58
II. *North - Western Electoral Province.*																
1. Worcester	36,970	27,264	9,706	35·60	15,551	10,883	4,668	42·89	21,419	16,381	5,038	30·75	3,630	2,711	919	33·89
2. Malmesbury ..	29,628	23,204	6,424	27·68	13,558	10,077	3,481	34·54	16,070	13,127	2,943	22·41	2,443	2,125	318	14·96
3. Piquetberg	14,435	11,587	12,848	24·58	8,897	6,515	2,382	36·56	5,538	5,072	466	9·19	1,582	942	640	67·94
4. Namaqualand ..	25,622	19,911	5,711	28·68	7,633	4,791	2,842	59·31	17,989	15,120	2,869	18·97	2,016	1,377	639	46·40
5. Clanwilliam ..	21,538	18,617	2,921	15·69	10,643	7,393	3,250	43·96	10,895	11,224	-329	-2·93	1,713	1,245	468	37·59
Total	128,193	100,583	27,610	27·45	56,282	39,659	16,623	41·91	71,911	60,924	10,987	18·03	11,384	8,400	2,984	35·52
III. *South - Western Electoral Province.*																
1. Swellendam ..	26,507	20,574	5,933	28·84	14,957	10,698	4,259	39·81	11,550	9,876	1,674	16·95	2,695	2,009	686	34·15
2. Caledon	22,716	18,799	3,917	20·84	12,606	9,902	3,514	38·65	10,110	9,707	403	4·16	2,478	1,719	759	44·15
3. Riversdale	22,382	18,070	4,312	23·92	12,875	9,855	3,020	30·64	9,507	8,215	1,292	15·72	2,209	1,228	981	79·88
4. Oudtshoorn ..	31,865	25,263	6,602	26·13	16,000	12,344	3,656	29·62	15,865	12,919	2,946	22·80	3,060	2,068	992	47·97
5. George	40,591	31,325	9,266	29·61	20,648	15,271	5,377	35·21	19,943	16,054	3,889	24·22	4,002	2,836	1,166	41·11
Total	144,061	114,031	30,030	26·33	77,086	57,260	19,826	34·62	66,975	56,771	10,204	17·97	14,444	9,860	4,584	46·49
IV. *Midland Electoral Province.*																
1. Graaf Reinet ..	32,061	27,522	4,539	16·49	13,855	10,872	2,983	27·44	18,206	16,650	1,556	93·45	2,417	1,811	606	33·46
2. Richmond	19,893	15,385	4,508	29·30	8,432	6,667	1,765	26·47	11,461	8,718	2,743	31·46	1,922	1,127	795	70·54
3. Beaufort West ..	20,015	16,262	3,753	23·08	10,000	7,580	2,420	31·93	10,015	8,682	1,333	15·35	2,124	1,251	873	69·78
4. Victoria West ..	22,508	22,311	197	·88	12,180	10,782	1,398	12·96	10,328	11,529	-1,201	-10·41	2,334	1,762	572	32·46
5. Prieska	21,289	17,015	4,274	25·12	8,547	5,020	3,527	70·25	12,742	11,995	747	6·23	1,029	401	—	—
Total	115,766	98,495	17,271	17·55	53,014	40,921	12,093	29·55	62,752	57,574	5,178	9·00	9,826	6,352	—	—
V. *South-Eastern Electoral Province.*																
1. Porth Elizabeth ..	46,626	25,408	21,218	83·51	23,782	13,939	9,843	70·61	22,844	11,469	11,375	99·18	10,951	3,662	7,289	199·04
2. Uitenhage	31,900	20,947	10,953	52·29	12,485	7,185	5,300	73·77	19,415	13,762	5,653	41·08	3,080	1,492	1,588	106·43
3. Grahamstown ..	13,877	10,498	3,379	32·19	7,271	6,297	974	15·47	6,606	4,201	2,405	57·24	1,837	1,292	545	42·18
4. Albany	37,294	32,081	5,213	16·25	7,756	7,344	412	5·61	29,538	24,737	4,801	19·41	2,036	1,670	366	21·92
5. Victoria East ..	31,863	25,400	6,463	25·45	2,828	2,700	128	4·74	29,035	22,700	6,335	27·91	779	658	121	18·39
6. Humansdorp ..	14,001	11,706	2,295	19·61	5,115	4,067	1,048	25·77	8,886	7,639	1,247	16·32	1,395	848	547	64·50
7. Jansenville	23,214	18,489	4,725	25·56	11,040	8,538	2,502	29·29	12,174	9,951	2,223	22·34	1,937	1,339	598	44·66
Total	198,775	144,529	54,246	37·53	70,277	50,070	20,207	40·35	128,498	94,459	34,039	36·04	22,015	10,961	11,054	100·85
VI. *North - Eastern Electoral Province.*																
1. Somerset East ..	35,558	30,535	5,023	16·45	10,238	8,981	1,257	14·00	25,320	21,554	3,766	17·47	2,577	1,622	955	58·88
2. Fort Beaufort ..	29,852	22,417	7,435	33·17	5,561	4,776	785	16·44	24,291	17,641	6,650	37·70	1,659	1,322	337	25·49
3. Cradock	22,016	19,103	2,913	15·25	8,661	8,093	568	7·02	13,355	11,010	2,345	21·30	2,025	1,311	714	54·46
4. Colesberg	20,972	18,437	2,535	13·74	9,706	8,122	1,584	19·50	11,266	10,315	951	9·22	2,184	1,554	630	40·54
5. Albert	24,665	19,755	4,910	24·85	10,692	9,409	1,283	13·64	13,973	10,346	3,627	35·06	1,824	1,116	708	63·44
6. Middelburg.. ..	24,180	13,710	10,470	76·37	12,169	5,532	6,637	119·97	12,011	8,178	3,833	46·87	1,484	784	700	89·29
Total	157,243	123,957	33,286	26·85	57,027	44,913	12,114	26·97	100,216	79,044	21,172	26·78	11,753	7,709	4,044	52·87

Census of the Cape of Good Hope, 1904—*continued.*

Electoral Division.	Total Persons.				Race Distinction.								Registered Voters.			
					European or White.				Other than European or White.							
			Increase.		Persons.		Increase.		Persons.		Increase.				Increase.	
	1904.	1891.	Numerical.	Per cent.	1904.	1891.	Numerical.	Per cent.	1904.	1891.	Numerical.	Per cent.	1904.	1891.	Numerical.	Per cent.
VII. *Eastern Electoral Province.*																
1. King William's Town	113,974	89,423	24,551	27·46	12,298	9,256	3,042	32·87	101,676	80,167	21,509	27·83	2,800	2,160	640	29·64
2. East London	58,505	26,445	32,060	121·23	20,445	7,987	12,468	156·10	38,050	18,458	19,592	106·14	4,697	1,213	3,484	287·22
3. Queenstown	74,773	47,479	27,294	57·49	11,121	8,116	3,005	37·03	63,652	39,363	24,289	61·70	3,617	2,261	1,356	59·97
4. Aliwal North	52,545	36,166	16,379	45·29	6,512	5,280	1,232	23·33	46,033	30,886	15,147	49·04	1,452	1,167	285	24·42
5. Wodehouse	51,201	35,965	15,236	42·36	11,506	9,049	2,457	27·15	39,695	26,916	12,779	47·48	2,001	1,737	264	15·20
6. Cathcart	23,689	15,126	8,563	56·61	4,773	3,990	783	19·62	18,916	11,136	7,780	69·86	1,171	1,051	120	11·42
7. Tembuland	480,236	333,677	146,559	43·92	10,103	6,095	4,008	65·75	470,133	327,582	142,551	43·52	2,789	1,429	—	—
8. Quiqualand East	353,830	152,919	200,911	131·39	6,657	4,253	2,404	56·52	347,173	148,666	198,507	133·52	1,989	1,080	—	—
Total	1,208,753	737,200	471,553	63·96	83,425	54,026	29,399	54·42	1,125,328	683,174	442,154	64·73	20,516	12,098	—	—
VIII. *Griqualand West Electoral Province.*																
1. Kimberley	60,045	47,947	12,098	25·23	20,478	20,187	291	1·44	39,567	27,760	11,807	42·53	6,404	4,453	1,951	43·8
2. Barkly West	48,317	35,268	13,049	37·00	12,242	9,415	2,827	30·03	36,075	25,853	10,222	39·54	1,953	1,217	736	60·4
Total	108,362	83,215	25,147	30·22	32,720	29,602	3,118	10,54	75,642	53,613	22,029	41·10	8,357	5,670	2,687	47·4
IX. *British Bechuanaland Electoral Province.*																
1. Vryburg	54,704	—	—	—	5,517	—	—	—	49,187	—	—	—	944	—	—	—
2. Mafeking	20,722	—	—	—	2,050	—	—	—	18,672	—	—	—	758	—	—	—
Total	75,426	65,632	9,794	14·92	7,567	4,482	3,085	68·83	67,859	61,150	6,709	10·97	1,702	—	—	—
Walfish Bay (*b*)	1,015	768	247	32·16	145	31	114	367·74	870	737	133	18·05	—	—	—	—
Islands (*b*)	89	—	—	—	24	—	—	—	65	—	—	—	—	—	—	—
Travellers by Rail	2,993	—	—	—	1,778	—	—	—	1,215	—	—	—	—	—	—	—
Total Population	2,405,552	1,599,960*a*	805,592	50·35	580,380	382,198*a*	198,182	51·85	1,825,172	1,217,762*a*	607,410	49·88	135,177	73,816	—	—

(*a*) Including British Bechuanaland, but excluding Pondoland. (*b*) Not forming part of any Electoral Division.

CAPE OF GOOD HOPE CENSUS, 1904.

Population : General Summary. Race Distinction (Unaudited).

—	Persons.	Males.	Females.	Females to every 100 Males.
European or White	580,380	318,595	261,785	82·16
Other than European or White	1,825,172	898,136	927,036	103·22
Total	2,405,552	1,216,731	1,188,821	97·71

Population : General Summary. Age Distinction (Unaudited).

Age Period.	Persons.	Males.	Females.
Under 15	999,254	500,546	498,708
15 and over	1,406,298	716,185	690,113
Total	2,405,552	1,216,731	1,188,821

II.—TRANSVAAL.

CENSUS OF THE TRANSVAAL, 1904.

II.—TRANS

CENSUS OF THE

Recapitulation of the Population, as compiled

No. of Census District.	Census District and Name of Town, Village, Location or other Locality.	Whether Urban or Rural.	Total Number of Persons of all Races.								
			Age Period.						Total All Ages.		
			Under 15.			Over 15.					
			M.	F.	Total.	M.	F.	Total.	M.	F.	Persons.
	SECTION I.										
	The Transvaal Proper.										
19	*Barberton.*										
	Barberton	U.	293	217	510	1,518	351	1,869	1,811	568	2,379
	Komatipoort	U.	47	9	56	334	19	353	381	28	409
	Total—Urban Areas ...		340	226	566	1,852	370	2,222	2,192	596	2,788
	Sub Districts ...	R.	4,830	4,328	9,158	8,838	6,734	15,572	13,668	11,062	24,730
	Military (Regular Forces)		1	1	2	203	4	207	204	5	209
	Total for Census District ...		5,171	4,555	9,726	10,893	7,108	18,001	16,064	11,663	27,727
4	*Central South African Railways.*										
	Travellers on the line of rail on the night of the 17th April, 1904		25	16	41	493	66	559	518	82	600
18	*Ermelo.*										
	Amsterdam	U.	60	53	113	119	68	187	179	121	300
	Carolina	U.	76	56	132	396	105	501	472	161	633
	Ermelo	U.	221	174	395	746	310	1,056	967	484	1,451
	Total—Urban Areas ...		357	283	640	1,261	483	1,744	1,618	766	2,384
	Sub Districts ...	R.	7,613	7,195	14,808	8,359	9,174	17,533	15,972	16,369	32,341
	Total for Census District ...		7,970	7,478	15,448	9,620	9,657	19,277	17,590	17,135	34,725
15	*Heidelberg.*										
	Heidelberg	U.	477	456	933	1,549	737	2,286	2,026	1,193	3,219
	Vereeniging	U.	122	101	223	515	163	678	637	264	901
	Total—Urban Areas ...		599	557	1,156	2,064	900	2,964	2,663	1,457	4,120
	Sub Districts ...	R.	4,568	4,281	8,849	9,740	5,192	14,932	14,308	9,473	23,781
	Total for Census District ...		5,167	4,838	10,005	11,804	6,092	17,896	16,971	10,930	27,901
10	*Krugersdorp.*										
	Krugersdorp	R.	2,477	2,419	4,896	4,245	2,977	7,222	6,722	5,396	12,118
14	*Lichtenburg.*										
	Lichtenburg	U.	311	243	554	422	341	763	733	584	1,317
	Sub Districts...	R.	3,707	3,578	7,285	3,393	4,081	7,474	7,100	7,659	14,759
	Total for Census District ...		4,018	3,821	7,839	3,815	4,422	8,237	7,833	8,243	16,076
6	*Lydenburg.*										
	Belfast	U.	108	122	230	346	158	504	454	280	734
	Lydenburg	U.	242	223	465	682	376	1,058	924	599	1,523
	Machadodorp	U.	70	37	107	318	76	394	388	113	501
	Pilgrims Rest	U.	93	63	156	938	94	1,032	1,031	157	1,188
	Total—Urban Areas ...		513	445	958	2,284	704	2,988	2,797	1,149	3,946
	Sub Districts ...	R.	24,976	24,563	49,539	19,881	31,124	51,005	44,857	55,687	100,544
	Total for Census District ...		25,489	25,008	50,497	22,165	31,828	53,993	47,654	56,836	104,490
13	*Marico.*										
	Zeerust	U.	383	331	714	705	523	1,228	1,088	854	1,942
	Sub Districts...	R.	6,159	5,976	12,135	4,922	7,349	12,271	11,081	13,325	24,406
	Total for Census District ...		6,542	6,307	12,849	5,627	7,872	13,499	12,169	14,179	26,348

* Including all Basutos, Bechuanas, Kaffirs, Zulus, &c.

† Including Malays, Hottentots, and other South African coloured persons as Regular Military Forces, including Civilian Employees who abode within the

VAAL.

TRANSVAAL, 1904.

from Supervisor's Preliminary Abstracts.

Race Distinction.												Remarks.
European or White.			Aboriginal Natives *			All other Coloured Persons.†			Total all Coloured Races.			
M.	F.	Persons.	M.	F.	Persons.	M.	F.	Persons.	M.	F.	Persons.	
739	466	1,205	954	39	993	118	63	181	1,072	102	1,174	
161	2	163	185	9	194	35	17	52	220	26	246	
900	468	1,368	1,139	48	1,187	153	80	233	1,292	128	1,420	
885	389	1,274	12,712	10,628	23,340	71	45	116	12,783	10,673	23,456	
156	5	161	48	—	48	—	—	—	48	—	48	
1,941	862	2,803	13,899	10,676	24,575	224	125	349	14,123	10,801	24,924	
406	67	473	102	15	117	10	—	10	112	15	127	
85	67	152	89	52	141	5	2	7	94	54	148	
240	116	356	225	40	265	7	5	12	232	45	277	
476	211	767	470	181	651	21	12	33	491	193	684	
801	474	1,275	784	273	1,057	33	19	52	817	292	1,109	
3,519	2,732	6,251	12,077	13,285	25,362	376	352	728	12,453	13,637	26,090	
4,320	3,206	7,526	12,861	13,558	26,419	409	371	780	13,270	13,929	27,199	
1,075	763	1,838	770	333	1,103	181	97	278	951	430	1,381	
310	135	445	297	120	417	30	9	39	327	129	456	
1,385	898	2,283	1,067	453	1,520	211	106	317	1,278	559	1,837	
4,791	3,776	8,567	9,269	5,627	14,896	248	70	318	9,517	5,697	15,214	
6,176	4,674	10,850	10,336	6,080	16,416	459	176	635	10,795	6,256	17,051	
3,091	2,595	5,686	3,482	2,748	6,230	149	53	202	3,631	2,801	6,432	
633	548	1,181	78	24	102	22	12	34	100	36	136	
2,694	2,411	5,105	4,395	5,243	9,638	11	5	16	4,406	5,248	9,654	
3,327	2,959	6,286	4,473	5,267	9,740	33	17	50	4,506	5,284	9,790	
275	231	506	175	49	224	4	—	4	179	49	228	
417	361	778	490	225	715	17	13	30	507	238	745	
156	81	237	217	28	245	15	4	19	232	32	264	
203	134	337	822	16	838	6	7	13	828	23	851	
1,051	807	1,858	1,704	318	2,022	42	24	66	1,746	342	2,088	
2,867	2,102	4,969	41,956	53,552	95,508	34	33	67	41,990	53,585	95,575	
3,918	2,909	6,827	43,660	53,870	97,530	76	57	133	43,736	53,927	97,663	
560	415	975	486	426	912	42	13	55	528	439	967	
3,022	2,742	5,764	7,949	10,517	18,466	110	66	176	8,059	10,583	18,642	
3,582	3,157	6,739	8,435	10,943	19,378	152	79	231	8,587	11,022	19,609	

also Chinese, Indians, and foreigners of coloured races.
confines of a Military Cantonment or Encampment on the night of the 17th April.

No. of Census District.	Census District and Name of Town, Village, Location or other Locality.	Whether Urban or Rural.	Total Number of Persons of all Races.								
			Age Period.						Total All Ages.		
			Under 15.			Over 15.					
			M.	F.	Total.	M.	F.	Total.	M.	F.	Persons.
5	*Middelburg.*										
	Middelburg	U.	543	480	1,023	1,992	667	2,659	2,535	1,147	3,682
	Sub Districts...	R.	9,969	9,325	19,294	13,353	11,339	24,692	23,322	20,664	43,986
	Military (Regular Forces)...		64	41	105	2,745	89	2,834	2,809	130	2,939
	Total for Census District		10,576	9,846	20,422	18,090	12,095	30,185	28,666	21,941	50,607
9	*Potchefstroom.*										
	Klerksdorp	U.	792	891	1,683	1,411	1,141	2,552	2,203	2,032	4,235
	Potchefstroom	U.	1,573	1,679	3,252	3,522	2,459	5,981	5,095	4,138	9,233
	Ventersdorp	U.	169	162	331	230	208	438	399	370	769
	Total—Urban Areas ...		2,534	2,732	5,266	5,163	3,808	8,971	7,697	6,540	14,237
	Sub Districts ...	R.	7,593	7,105	14,698	11,082	8,849	19,931	18,675	15,954	34,629
	Military (Regular Forces)		128	105	233	2,031	170	2,201	2,159	275	2,434
	Total for Census District ...		10,255	9,942	20,197	18,276	12,827	31,103	28,531	22,769	51,300
3	*Pretoria. (District.)*										
	Gezina and Reveira	U.	183	140	323	528	221	749	711	361	1,072
	Rietfontein and Valleria ...	U.	142	120	262	341	144	485	483	264	747
	Total—Urban Areas ...		325	260	585	869	365	1,234	1,194	625	1,819
	Sub Districts ...	R.	17,568	16,474	34,042	23,607	20,644	44,251	41,175	37,118	78,293
	Military (Regular Forces)		121	45	166	5,298	113	5,411	5,419	158	5,577
	Total for Census District ...		18,014	16,779	34,793	29,774	21,122	50,896	47,788	37,901	85,689
2	*Pretoria Municipality.*										
	Pretoria	U.	4,158	3,784	7,942	21,180	7,578	28,758	25,338	11,362	36,700
12	*Rustenburg.*										
	Rustenburg	U.	337	269	606	805	404	1,209	1,142	673	1,815
	Sub Districts...	R.	12,294	12,383	24,677	10,125	15,557	25,682	22,419	27,940	50,359
	Total for Census District ...		12,631	12,652	25,283	10,930	15,961	26,891	23,561	28,613	52,174
16	*Standerton.*										
	Bethal	U.	60	51	111	215	80	295	275	131	406
	Standerton	U.	531	481	1,012	2,051	836	2,887	2,582	1,317	3,899
	Total—Urban Areas ...		591	532	1,123	2,266	916	3,182	2,857	1,448	4,305
	Sub Districts ...	R.	4,649	4,469	9,118	7,229	5,526	12,755	11,878	9,995	21,873
	Military (Regular Forces)		14	8	22	1,616	34	1,650	1,630	42	1,672
	Total for Census District ...		5,254	5,009	10,263	11,111	6,476	17,587	16,365	11,485	27,850
17	*Wakkerstroom.*										
	Amersfoort	U.	34	41	75	98	48	146	132	89	221
	Piet Retief	U.	186	211	397	366	265	631	552	476	1,028
	Volksrust	U.	317	244	561	1,327	494	1,821	1,644	738	2,382
	Wakkerstroom	U.	286	248	534	498	370	868	784	618	1,402
	Total—Urban Areas ...		823	744	1,567	2,289	1,177	3,466	3,112	1,921	5,033
	Sub Districts ...	R.	11,666	11,510	23,176	10,158	15,352	25,510	21,824	26,862	48,686
	Total for Census District ...		12,489	12,254	24,743	12,447	16,529	28,976	24,936	28,783	53,719
7	*Waterberg.*										
	Nylstroom	U.	101	59	160	328	111	439	429	170	599
	Potgietersrust	U.	98	59	157	213	100	313	311	159	470
	Total—Urban Areas ...		199	118	317	541	211	752	740	329	1,069
	Sub Districts ...	R.	14,855	14,282	29,137	13,574	23,233	36,807	28,429	37,515	65,944
	Total for Census District ...		15,054	14,400	29,454	14,115	23,444	37,559	29,169	37,844	67,013

TRANSVAAL, 1904—*continued.*

Race Distinction.											
European or White.			Aboriginal Natives.*			All other Coloured Persons.†			TOTAL ALL COLOURED RACES.			Remarks.
M.	F.	Persons.	M.	F.	Persons.	M.	F.	Persons.	M.	F.	Persons.	
1,380	1,015	2,395	1,089	115	1,204	66	17	83	1,155	132	1,287	
4,608	3,646	8,254	18,616	16,951	35,567	98	67	165	18,714	17,018	35,732	
2,127	115	2,242	658	15	673	24	—	24	682	15	697	
8,115	4,776	12,891	20,363	17,081	37,444	188	84	272	20,551	17,165	37,716	
1,116	1,085	2,201	970	883	1,853	117	64	181	1,087	947	2,034	
3,280	2,741	6,021	1,546	1,354	2,900	269	43	312	1,815	1,397	3,212	
219	219	438	166	148	314	14	3	17	180	151	331	
4,615	4,045	8,660	2,682	2,385	5,067	400	110	510	3,082	2,495	5,577	
8,613	6,893	15,506	9,708	8,817	18,525	354	244	598	10,062	9,061	19,123	
1,180	47	1,227	959	228	1,187	20	—	20	979	228	1,207	
14,408	10,985	25,393	13,349	11,430	24,779	774	354	1,128	14,123	11,784	25,907	
458	338	796	250	20	270	3	3	6	253	23	276	
327	246	573	153	16	169	3	2	5	156	18	174	
785	584	1,369	403	36	439	6	5	11	409	41	450	
10,045	7,572	17,617	30,873	29,446	60,319	257	100	357	31,130	29,546	60,676	
3,250	154	3,404	1,653	4	1,657	516	—	516	2,169	4	2,173	
14,080	8,310	22,390	32,929	29,486	62,415	779	105	884	33,708	29,591	63,299	
12,839	8,322	21,161	10,224	2,071	12,295	2,275	969	3,244	12,499	3,040	15,539	
469	312	781	633	349	982	40	12	52	673	361	1,034	
5,683	5,028	10,711	16,717	22,910	39,627	19	2	21	16,736	22,912	39,648	
6,152	5,340	11,492	17,350	23,259	40,609	59	14	73	17,409	23,273	40,682	
144	76	220	94	26	120	37	29	66	131	55	186	
1,237	778	2,015	1,171	484	1,655	174	55	229	1,345	539	1,884	
1,381	854	2,235	1,265	510	1,775	211	84	295	1,476	594	2,070	
4,883	4,074	8,957	6,831	5,867	12,698	164	54	218	6,995	5,921	12,916	
1,069	39	1,108	547	1	548	14	2	16	561	3	564	
7,333	4,967	12,300	8,643	6,378	15,021	389	140	529	9,032	6,518	15,550	
94	74	168	36	14	50	2	1	3	38	15	53	
200	141	341	348	331	679	4	4	8	352	335	687	
795	547	1,342	753	154	907	96	37	133	849	191	1,040	
341	294	635	406	291	697	37	33	70	443	324	767	
1,430	1,056	2,486	1,543	790	2,333	139	75	214	1,682	865	2,547	
3,299	2,801	6,100	18,440	23,971	42,411	85	90	175	18,525	24,061	42,586	
4,729	3,857	8,586	19,983	24,761	44,744	224	165	389	20,207	24,926	45,133	
218	143	361	193	24	217	18	3	21	211	27	238	
197	151	348	110	8	118	4	—	4	114	8	122	
415	294	709	303	32	335	22	3	25	325	35	360	
2,042	1,606	3,648	26,340	35,886	62,226	47	23	70	26,387	35,909	62,296	
2,457	1,900	4,357	26,643	35,918	62,561	69	26	95	26,712	35,944	62,656	

* † See notes, pp. 8, 9.

No. of Census District.	Census District and Name of Town, Village, Location or other Locality.	Whether Urban or Rural.	Total Number of Persons of all Races.								
			Age Period.						Total All Ages.		
			Under 15.			Over 15.					
			M.	F.	Total.	M.	F.	Total.	M.	F.	Persons.
1	*Witwatersrand.*										
	Boksburg	U.	178	186	364	944	342	1,286	1,122	528	1,650
	Germiston	U.	532	521	1,053	2,744	932	3,676	3,276	1,453	4,729
	Johannesburg Municipality ...	U.	13,952	12,742	26,694	106,692	26,631	133,323	120,644	39,373	160,017
	Krugersdorp	U.	674	711	1,385	2,182	1,055	3,237	2,856	1,766	4,622
	Total—Urban Areas ...		15,336	14,160	29,496	112,562	28,960	141,522	127,898	43,120	171,018
	Sub Districts ...	R.	6,091	4,931	11,022	69,116	7,914	77,030	75,207	12,845	88,052
	Military (Regular Forces) Krugersdorp Camp ...		31	15	46	1,232	40	1,272	1,263	55	1,318
	Total for Census District ...		21,458	19,106	40,564	182,910	36,914	219,824	204,368	56,020	260,388
11	*Wolmaransstad.*										
	Bloemhof	U.	30	36	66	37	41	78	67	77	144
	Christiana	U.	329	338	667	784	382	1,166	1,113	720	1,833
	Schweizer Reinecke	U.	66	62	128	151	77	228	217	139	356
	Wolmaransstad...	U.	79	66	145	232	93	325	311	159	470
	Total—Urban Areas ...		504	502	1,006	1,204	593	1,797	1,708	1,095	2,803
	Sub Districts ...	R.	3,150	2,827	5,977	3,642	3,451	7,093	6,792	6,278	13,070
	Total for Census District ...		3,654	3,329	6,983	4,846	4,044	8,890	8,500	7,373	15,873
8	*Zoutpansberg.*										
	Haenertsberg	U.	22	3	25	102	7	109	124	10	134
	Leydsdorp	U.	1	2	3	276	6	282	277	8	285
	Louis Trichardt	U.	125	76	201	197	112	309	322	188	510
	Pietersburg	U.	563	311	874	1,867	536	2,403	2,430	847	3,277
	Total—Urban Areas ...		711	392	1,103	2,442	661	3,103	3,153	1,053	4,206
	Sub Districts ...	R.	68,514	68,504	137,018	68,325	107,869	176,194	136,839	176,373	313,212
	Total for Census District ...		69,225	68,896	138,121	70,767	108,530	179,297	139,992	177,426	317,418
	Section 1.—Transvaal Proper.										
	Urban Areas		28,564	26,058	54,622	159,901	48,661	208,562	188,465	74,719	263,184
	Rural Areas		210,704	204,166	414,870	290,082	286,431	576,513	500,786	490,597	991,383
	Military (Regular Forces) ...		359	215	574	13,125	450	13,575	13,484	665	14,149
	TOTAL FOR TRANSVAAL PROPER		239,627	230,439	470,066	463,108	335,542	798,650	702,735	565,981	1,268,716
	SECTION II.										
20	*Swaziland.*										
	Swaziland	R.	19,774	19,354	39,128	17,583	28,773	46,356	37,357	48,127	85,484
	THE TRANSVAAL AND SWAZILAND COMBINED		259,401	249,793	509,194	480,691	364,315	845,006	740,092	614,108	1,354,200

GENERAL

	Whites.		Aboriginal Natives.	
	Persons.	Per cent.	Persons.	Per cent.
SECTION 1. Transvaal Proper	299,327	23·59290	945,498	74·52410
SECTION 2. Swaziland	898	1·05045	84,531	98·88514
SECTION 3. TRANSVAAL AND SWAZILAND COMBINED	300,225	22·17000	1,030,029	76·06277

TRANSVAAL, 1904—*continued.*

Race Distinction.												Remarks.
European or White.			Aboriginal Natives.*			All other Coloured Persons.†			TOTAL ALL COLOURED RACES.			
M.	F.	Persons.	M.	F.	Persons.	M.	F.	Persons.	M.	F.	Persons.	
750	467	1,217	344	55	399	28	6	34	372	61	433	
2,140	1,379	3,519	1,062	50	1,112	74	24	98	1,136	74	1,210	
52,106	32,007	84,113	60,480	4,097	64,577	8,058	3,269	11,327	68,538	7,366	75,904	
1,945	1,616	3,561	659	108	767	252	42	294	911	150	1,061	
56,941	35,469	92,410	62,545	4,310	66,855	8,412	3,341	11,753	70,957	7,651	78,608	
15,377	7,712	23,089	58,067	4,301	62,368	1,763	832	2,595	59,830	5,133	64,963	
1,116	55	1,171	138	—	138	9	—	9	147	—	147	
73,434	43,236	116,670	120,750	8,611	129,361	10,184	4,173	14,357	130,934	12,784	143,718	
59	69	128	8	8	16	—	—	—	8	8	16	
857	679	1,536	218	36	254	38	5	43	256	41	297	
172	135	307	37	3	40	8	1	9	45	4	49	
226	131	357	78	22	100	7	6	13	85	28	113	
1,314	1,014	2,328	341	69	410	53	12	65	394	81	475	
3,583	3,183	6,766	3,103	3,002	6,105	106	93	199	3,209	3,095	6,304	
4,897	4,197	9,094	3,444	3,071	6,515	159	105	264	3,603	3,176	6,779	
38	10	48	85	—	85	1	—	1	86	—	86	
62	8	70	215	—	215	—	—	—	215	—	215	
222	183	405	94	5	99	6	—	6	100	5	105	
1,019	618	1,637	1,243	199	1,442	168	30	198	1,411	229	1,640	
1,341	819	2,160	1,637	204	1,841	175	30	205	1,812	234	2,046	
3,177	2,466	5,643	133,623	173,885	307,508	39	22	61	133,662	173,907	307,569	
4,518	3,285	7,803	135,260	174,089	309,349	214	52	266	135,474	174,141	309,615	
88,240	57,394	145,634	87,923	12,413	100,336	12,302	4,912	17,214	100,225	17,325	117,550	
82,585	61,795	144,380	414,260	426,651	840,911	3,941	2,151	6,092	418,201	428,802	847,003	
8,898	415	9,313	4,003	248	4,251	583	2	585	4,586	250	4,836	
179,723	119,604	299,327	506,186	439,312	945,498	16,826	7,065	23,891	523,012	446,377	969,389	
586	312	898	36,745	47,786	84,531	26	29	55	36,771	47,815	84,586	
180,309	119,916	300,225	542,931	487,098	1,030,029	16,852	7,094	23,946	559,783	494,192	1,053,975	

SUMMARY.

OTHER COLOURED RACES.		TOTAL.		—
Persons.	Per cent.	Persons.	Per cent.	
23,891	1·88300	1,268,716	100·00000	SECTION 1. Transvaal Proper.
55	0·06441	85,484	100·00000	SECTION 2. Swaziland.
23,946	1·76723	1,354,200	100·00000	SECTION 3. TRANSVAAL AND SWAZILAND COMBINED.

* † See notes, pp. 8, 9.

III.—ORANGE RIVER COLONY.

[*Figures are taken from the Orange River Colony Government Gazette of 20th May*, 1904.]

CENSUS OF THE ORANGE RIVER COLONY, 1904.

Census, 17th April, 1904. (Unaudited Returns.)

The population of the Colony numbers 385,045, showing an increase since 1890 of 177,542 or 85·56 per cent. The increase in the Whites is 65,703 or 84·54 per cent. as compared with 111,839 or 86·17 per cent. in the case of the Coloured.

Of the total population 143,419 or 37·25 per cent. are White, and 241,626 or 62·75 per cent. Coloured, that is 168·48 Coloured persons to every 100 White ; these figures are interesting in comparison with those of the 1880 and 1890 Censuses.

The male White population exceeds the female by 20,103.

Former Censuses.

The first Census of the late Orange Free State was taken on the 31st March, 1880 ; and at that date the population numbered 133,518 persons, of whom 61,022 or 45·70 per cent. were White and 72,496 or 54·30 per cent. were Coloured.

At the second Census, taken 31st March, 1890, the population was 207,503, an increase of 73,985 or 55·41 per cent. on this total population of 1880 ; this increase was more marked among the Coloured than the White, being 57,291 or 79·03 per cent. in the case of the former as compared with 16,694 or 27·36 per cent. for the latter.

Of the total population (207,503) the Whites amounted to 77,716 or 37·45 per cent., the Coloured numbered 129,787 or 62·55 per cent. ; the corresponding percentages for the Census of 1880 were 45·70 and 54·30. In other words there were in 1890 167·00 Coloured persons in this country to every 100 Whites, as compared with 118·80 in 1880.

Percentages of White and Coloured.

Census.	Percentage of White to Total Population.	Percentage Coloured to Total Population.	Number of Coloured Persons to every 100 Whites.
1880	45·70	54·30	118·80
1890	37·45	62·55	167·01
1904	37·25	62·75	168·48

—	All Races.			European or White.			Coloured.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
Census, 1880	70,150	63,368	133,518	31,906	29,116	61,022	38,244	34,252	72,496
Census, 1890	108,362	99,141	207,503	40,571	37,145	77,716	67,791	61,996	129,787
Increase { Number ...	38,212	35,773	73,985	8,665	8,029	16,694	29,547	27,744	57,291
Increase { Per cent....	54·47	56·45	55·41	27·16	27·58	27·36	77·26	81·00	79·03

Orange River Colony.—Percentages of White and Coloured—*continued.*

—	All Races.			European or White.			Coloured.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
Census, 1890	108,362	99,141	207,503	40,571	37,145	77,716	67,791	61,996	129,787
Census, 1904	208,894	176,151	385,045	81,761	61,658	143,419	127,133	114,403	241,626
Increase { Number ...	100,532	77,010	177,542	41,190	24,513	65,703	59,342	52,497	111,839
Increase { Per cent....	92·77	77·68	85·56	101·53	65·99	84·54	87·54	84·68	86·17

Census Returns, 1904 (Unaudited).

District.	Total Number of Persons of All Races.					Race Distinction.					
	Age Period.					European or White.			Coloured.		
	Under 15.		15 and Over.		Total All Ages.	M.	F.	Total.	M.	F.	Total.
	M.	F.	M.	F.							
The Colony—											
Urban Districts ...	12,848	13,366	34,993	22,449	83,656	22,563	18,121	40,684	25,280	17,692	42,972
Rural Districts ...	64,062	60,542	84,996	78,430	288,030	51,357	43,218	94,575	97,699	95,756	193,455
Troops	1	—	7,165	—	7,166	7,166	—	7,166	—	—	—
Civilians, women, and children, with troops.	500	442	4,066	874	5,882	500	283	783	4,066	1,033	5,099
Travellers(C.S.A.R.)	20	10	243	38	311	175	36	211	88	12	100
Total ...	77,431	74,360	131,463	101,791	385,045	81,761	61,658	143,419	127,133	114,493	241,626
Bethlehem—											
Urban	411	395	923	578	2,307	735	669	1,404	599	304	903
Rural	5,562	5,256	6,209	6,544	23,571	3,086	2,703	5,789	8,685	9,097	17,782
Total ...	5,973	5,651	7,132	7,122	25,878	3,821	3,372	7.193	9,284	9,401	18.685
Bethulie—											
Urban	538	556	860	717	2,671	568	482	1,050	830	791	1,621
Rural	710	711	1,322	941	3,684	1,456	1,194	2,650	576	458	1,034
Total ...	1,248	1,267	2,182	1,658	6,355	2,024	1,676	3,700	1,406	1,249	2,655
Bloemfontein—											
Urban	3,927	4,193	13,263	8,162	29,545	8,108	5,404	13,512	9,082	6,951	16,033
Rural	4,001	3,704	7,570	5,249	20,524	4,292	3,300	7,592	7,279	5,653	12,932
Troops	1	—	3,486	—	3,487	3,487	—	3,487	—	—	—
Civilians, women, and children, with troops.	432	411	2,907	780	4,530	320	185	505	3,019	1,006	4,025
Total ...	8,361	8,308	27,226	14,191	58,086	16,207	8,889	25,096	19,380	13,610	32,990
Boshof—											
Urban	291	257	378	376	1,302	369	365	734	300	268	568
Rural	1,734	1,632	2,641	2,132	8,139	2,783	2,435	5,218	1,592	1,329	2,921
Total ...	2,025	1,889	3,019	2,508	9,441	3,152	2,800	5,952	1,892	1,597	3,489
Edenburg—											
Urban	587	568	921	853	2,929	771	680	1,451	737	741	1,478
Rural	763	701	1,326	968	3,758	938	801	1,739	1,151	868	2,019
Total ...	1,350	1,269	2,247	1,821	6,687	1,709	1,481	31.90	1,888	1,609	3,497

ORANGE RIVER COLONY.—CENSUS RETURNS, 1904 (Unaudited)—*continued.*

DISTRICT.	Total Number of Persons of All Races.					Race Distinction.					
	Age Period.					European or White.			Coloured.		
	Under 15.		15 and Over.		Total All Ages.	M.	F.	Total.	M.	F.	Total.
	M.	F.	M.	F.							
Fauresmith—											
Urban	1,027	1,051	5,373	1,542	8,993	2,066	1,964	4,030	4,334	629	4,963
Rural	1,181	1,018	1,936	1,359	5,494	2,080	1,698	3,778	1,037	679	1,716
Total ...	2,208	2,069	7,309	2,901	14,487	4,146	3,662	7,808	5,371	1,308	6,679
Ficksburg—											
Urban	432	402	819	615	2,268	672	563	1,235	579	454	1,033
Rural	3,629	3,343	3,500	4,005	14,477	1,293	1,124	2,417	5,836	6,224	12,060
Total ...	4,061	3,745	4,319	4,620	16,745	1,965	1,687	3,652	6,415	6,678	13,093
Frankfort—											
Urban	177	163	375	216	931	365	302	667	187	77	264
Rural	1,888	1,749	2,070	2,290	7,997	1,813	1,627	3,440	2,145	2,412	4,557
Total ...	2,065	1,912	2,445	2,506	8,928	2,178	1,929	4,107	2,332	2,489	4,821
Harrismith—											
Urban	773	777	2,384	1,372	5,306	1,266	972	2,238	1,891	1,177	3,068
Rural	7,424	7,468	7,905	9,010	31,807	1,979	1,619	3,598	13,350	14,859	28,209
Troops	—	—	1,921	—	1,921	1,921	—	1,921	—	—	—
Civilians, women, and children, with troops.	34	20	962	57	1,073	135	72	207	861	5	866
Total ...	8,231	8,265	13,172	10,439	40,107	5,301	2,663	7,964	16,102	16,041	32,143
Heilbron—											
Urban	250	255	590	449	1,544	425	396	821	415	308	723
Rural	2,647	2,553	4,647	3,313	13,160	2,896	2,388	5,284	4,398	3,478	7,876
Total ...	2,897	2,808	5,237	3,762	14,704	3,321	2,784	6,105	4,813	3,786	8,599
Hoopstad—											
Urban	110	141	245	209	705	186	177	363	169	173	342
Rural	1,307	1,160	1,646	1,533	5,646	1,881	1,694	3,575	1,072	999	2,071
Total ...	1,417	1,301	1,891	1,742	6,351	2,067	1,871	3,938	1,241	1,172	3,413
Jacobsdal—											
Urban	141	187	233	202	763	169	162	331	205	227	432
Rural	559	544	694	549	2,346	642	540	1,182	611	553	1,164
Total ...	700	731	927	751	3,109	811	702	1,513	816	780	1,596
Kroonstad—											
Urban	939	981	2,377	1,709	6,006	1,515	1,094	2,609	1,801	1,596	3,397
Rural	4,116	3,903	5,962	5,274	19,255	4,392	3,574	7,966	5,686	5,603	11,289
Troops	—	—	1,211	—	1,211	1,211	—	1,211	—	—	—
Civilians, women, and children, with troops.	20	9	125	31	185	35	23	58	110	17	127
Total ...	5,075	4,893	9675	7,014	26,657	7,153	4,691	11,844	7,597	7,216	14,813
Ladybrand—											
Urban	636	590	1,037	944	3,207	922	851	1,773	751	683	1,443
Rural	4,452	4,093	5,964	5,531	20,040	2,938	2,518	5,456	7,478	7,106	14,584
Troops	—	—	547	—	547	547	—	547	—	—	—
Civilians, women, and children, with troops.	14	2	72	6	94	10	3	13	76	5	81
Total ...	5,102	4,685	7,620	6,481	23,888	4,417	3,372	7,789	8,305	7,794	16,099

ORANGE RIVER COLONY.—CENSUS RETURNS, 1904 (Unaudited)—*continued.*

DISTRICT	Total Number of Persons of All Races.					Race Distinction.					
	Age Period.					European or White.			Coloured.		
	Under 15.		15 and Over.		Total All Ages.						
	M.	F.	M.	F.		M.	F.	Total.	M.	F.	Total.
Lindley—											
Urban	109	119	269	149	646	207	163	370	171	105	276
Rural	2,029	1,858	2,046	2,342	8,275	1,584	1,435	3,019	2,491	2,765	5,256
Total ...	2,138	1,977	2,315	2,491	8,921	1,791	1,598	3,389	2,662	2,870	5,532
Philippolis—											
Urban	144	150	250	260	804	278	290	568	116	120	236
Rural	659	578	988	809	3,034	1,034	954	1,988	613	433	1,046
Total ...	803	728	1,238	1,069	3,838	1,312	1,244	2,556	729	553	1,282
Rouxville—											
Urban	348	408	674	721	2,151	613	610	1,223	409	519	928
Rural	2,522	2,187	3,777	3,053	11,539	2,662	2,356	5,018	3,637	2,884	6,521
Total ...	2,870	2,595	4,451	3,774	13,690	3,275	2,966	6,241	4,046	3,403	7,449
Senekal—											
Urban	160	210	390	279	1,039	280	283	563	272	204	476
Rural	3,309	3,138	3,729	4,128	14,304	1,882	1,652	3,534	5,154	5,616	10,770
Total ...	3,469	3,348	4,119	4,407	15,343	2,162	1,935	4,097	5,426	5,820	11,246
Smithfield—											
Urban	172	184	336	316	1,008	246	241	487	262	259	521
Rural	992	840	1,583	1,225	4,640	1,697	1,406	3,103	878	659	1,537
Total ...	1,164	1,024	1,919	1,541	5,648	1,943	1,647	3,590	1,140	918	2,058
Thaba 'Nchu—											
Urban	185	233	378	338	1,134	323	260	583	240	311	551
Rural	5,145	5,001	6,258	6,404	22,808	1,498	1,055	2,553	9,905	10,350	20,255
Total ...	5,330	5,234	6,636	6,742	23,942	1,821	1,315	3,136	10,145	10,661	20,806
Vrede—											
Urban	217	271	603	439	1,530	518	469	987	302	241	543
Rural	2,461	2,426	2,742	3,074	10,703	1,218	990	2,208	3,985	4,510	8,495
Total ...	2,678	2,697	3,345	3,513	12,233	1,736	1,459	3,195	4,287	4,751	9,038
Vredefort—											
Urban	466	455	880	684	2,485	846	726	1,572	500	413	913
Rural	1,466	1,441	2,173	1,879	6,959	2,058	1,658	3,716	1,581	1,662	3,243
Total ...	1,932	1,896	3,053	2,563	9,444	2,904	2,384	5,288	2,081	2,075	4,156
Wepener—											
Urban	204	213	515	434	1,366	417	408	825	302	239	541
Rural	1,069	1,017	1,677	1,355	5,118	1,053	918	1,971	1,693	1,454	3,147
Total ...	1,273	1,230	2,192	1,789	6,484	1,470	1,326	2,796	1,995	1,693	3,688
Winburg—											
Urban	604	607	920	885	3,016	698	590	1,288	826	902	1,728
Rural	4,437	4,221	6,631	5,463	20,752	4,202	3,579	7,781	6,866	6,105	12,971
Total ...	5,041	4,828	7,551	6,348	23,768	4,900	4,169	9,069	7,692	7,007	14,699

Orange River Colony.—Population of Chief Towns, 1904.

District and Town.	Total Number of Persons of all Races.					Race Distinction.					
	Age Period.				Total all Ages.	European or White.			Coloured.		
	Under 15.		15 and over.								
	M.	F.	M.	F.		M.	F.	Total.	M.	F.	Total.
Bethlehem—											
Bethlehem ..	296	312	746	427	1,781	538	485	1,023	504	254	758
Reitz	115	83	177	151	526	197	184	381	95	50	145
Bethulie—											
Bethulie	318	337	558	458	1,671	421	392	813	455	403	858
Springfontein ...	220	219	302	259	1,000	147	90	237	375	388	763
Bloemfontein—											
Bloemfontein ...	3,680	3,941	18,488	7,781	33,890	10,833	4,588	15,421	11,335	7,134	18,466
Town	3,247	3,530	12,095	7,001	25,873	7,026	4,403	11,429	8,316	6,128	14,444
Troops	1	—	3,486	—	3,487	3,487	—	3,487	—	—	—
Civilians, &c., with troops ...	432	411	2,907	780	4,530	320	185	505	3,019	1,006	4,025
Brandfort ...	364	338	619	636	1,957	491	439	930	492	535	1,027
Dewetsdorp ...	174	149	331	312	966	344	310	654	161	151	312
Reddersburg ...	142	176	218	213	749	247	252	499	113	137	250
Boshof—											
Boshof	291	257	378	376	1,302	369	365	734	300	268	568
Edenburg—											
Edenburg... ...	295	297	497	472	1,561	389	337	726	403	432	835
Trompsburg ...	292	271	424	381	1,368	382	343	725	334	309	643
Fauresmith—											
Jagersfontein ...	418	391	4,209	632	5,650	738	556	1,294	3,889	467	4,356
Koffyfontein ...	297	316	614	429	1,656	620	709	1,329	291	36	327
Fauresmith ...	178	195	320	241	934	413	378	791	85	58	143
Luckhoff	71	93	134	142	440	145	170	315	60	65	125
Petrusburg ...	63	56	96	98	313	150	151	301	9	3	12
Ficksburg—											
Ficksburg ...	370	353	672	537	1,932	541	470	1,011	501	420	921
Fouriesburg ...	62	49	147	78	336	131	93	224	78	34	112
Frankfort—											
Frankfort... ...	137	128	307	175	747	274	230	504	170	73	243
Villiers	40	35	68	41	184	91	72	163	17	4	21
Harrismith—											
Harrismith ...	807	797	5,267	1,429	8,300	3,322	1,044	4,366	2,752	1,182	3,934
Town	773	777	2,384	1,372	5,306	1,266	972	2,238	1,891	1,177	3,068
Troops	—	—	1,921	—	1,921	1,921	—	1,921	—	—	—
Civilians, &c., with troops.	34	20	962	57	1,073	135	72	207	961	5	966
Heilbron—											
Heilbron	250	255	590	449	1,544	425	396	821	415	308	723
Hoopstad—											
Hoopstad	79	91	152	130	452	106	92	198	125	129	254
Bultfontein ...	31	50	93	79	253	80	85	165	44	44	88
Jacobsdal—											
Jacobsdal... ...	141	187	233	202	763	169	162	331	205	227	432
Kroonstad—											
Kroonstad ...	921	951	3,641	1,680	7,193	2,679	1,044	3,723	1,883	1,587	3,470
Town	901	942	2,305	1,649	5,797	1,433	1,021	2,454	1,773	1,570	3,343
Troops	—	—	1,211	—	1,211	1,211	—	1,211	—	—	—
Civilians, &c., with troops.	20	9	125	31	185	35	23	58	110	17	127
Bothaville ...	38	39	72	60	209	82	73	155	28	26	54

Orange River Colony.—Population of Chief Towns, 1904—*continued.*

District and Town.	Total Number of Persons of all Races.					Race Distinction.					
	Age Period.				Total all Ages.	European or White.			Coloured.		
	Under 15.		15 and Over.								
	M.	F.	M.	F.		M.	F.	Total.	M.	F.	Total.
Ladybrand—											
Ladybrand ...	650	592	1,656	950	3,848	1,479	854	2,333	827	688	1,515
Town	636	590	1,037	944	3,207	922	851	1,773	751	683	1,434
Troops	—	—	547	—	547	547	—	547	—	—	—
Civilians, &c., with troops.	14	2	72	6	94	10	3	13	76	5	81
Lindley—											
Lindley	109	119	269	149	646	207	163	370	171	105	276
Philippolis—											
Philippolis ...	144	150	250	260	804	278	290	568	116	120	236
Rouxville—											
Zaston	194	224	349	391	1,158	367	370	737	185	236	421
Rouxville ...	154	184	325	330	993	256	230	486	234	273	507
Senekal—											
Senekal	160	210	390	279	1,039	280	283	563	272	204	476
Smithfield—											
Smithfield ...	172	184	336	316	1,008	246	241	487	262	259	521
Thaba 'Nchu—											
Thaba 'Nchu ...	185	233	378	338	1,134	323	260	583	240	311	551
Vrede—											
Vrede	217	271	603	439	1,530	518	469	987	302	241	543
Vredefort—											
Parys	316	317	641	447	1,721	686	592	1,278	271	172	443
Vredefort... ...	150	138	239	237	764	160	134	294	229	241	470
Wepener—											
Wepener	204	213	515	434	1,366	417	408	825	302	239	541
Winburg—											
Winburg	494	497	786	744	2,521	556	449	1,005	724	792	1,516
Ventersburg ...	110	110	134	141	495	142	141	283	102	110	212

IV.—SOUTHERN RHODESIA.

[Figures are taken from the British South Africa Company Government Gazette of 20th May, 1904.]

CENSUS OF SOUTHERN RHODESIA.

RETURN showing the European Population on the 17th April, 1904, together with a comparison of the White Population of 1901.

SCHEDULE SHEWING THE TOTAL NUMBER OF EUROPEAN INHABITANTS OF SOUTHERN RHODESIA.

Fiscal Division.	Males.	Females.	Total, 1904.	Total, 1901.	Increase.	Decrease.
MASHONALAND—						
Salisbury	2,022	659	2,681	2,132	549	—
Umtali	834	277	1,111	820	291	—
Melsetter	222	174	396	435	—	39
Victoria	225	90	315	205	110	—
Charter	255	159	414	429	—	15
Totals	3,558	1,359	4,917	4,021	950	54
MATABELELAND—						
Bulawayo	4,076	1,919	5,995	5,828	167	—
Gwelo	998	322	1,320	826	494	—
Gwanda	293	43	336	357	—	21
Railway Passengers ...	54	1	55	—	55	—
Totals	5,421	2,285	7,706	7,011	716	21
Mashonaland (Net Increase)					896	
Matabeleland „ „					695	
Net Increase for Southern Rhodesia					1,591	

DISTRICT OF SALISBURY.

European or white, 1901 and 1904.

District.	Males.	Females.	Total, 1904.	Total, 1901.	Increase.	Decrease.
Salisbury Township	990	450	1,726	1,395	331	—
„ Commonage	234	52				
„ District	186	61	247	252	—	5
Hartley Township	50	12	248	224	24	—
„ District	174	12				
Marondellas	49	15	64	42	22	—
M'tokos	14	—	14	30	—	16
M'rewas	23	3	26	21	5	—
North Mazoe	14	—	14	11	3	—
South Mazoe	123	37	160	85	75	—
Lo Magundi	165	17	182	72	110	—
Totals	2,022	659	2,681	2,132	570	21

DISTRICT OF UMTALI.

European or white, 1901 and 1904.

Umtali Township	461	169	688	514	174	—
„ Commonage	43	15				
„ District	186	43	229	147	82	—
Inyanga	78	36	114	87	27	—
Makoni	66	14	80	72	8	—
Totals	834	277	1,111	820	291	—

CENSUS OF SOUTHERN RHODESIA—*continued.*

District.	Males.	Females.	Total, 1904.	Total, 1901.	Increase.	Decrease.
DISTRICT OF MELSETTER. European or white, 1901 and 1904.						
Melsetter Township	32	18	61	46	15	—
„ Commonage	8	3				
„ District	182	153	335	389	—	54
Totals	222	174	396	435	15	54
DISTRICT OF VICTORIA. European or white, 1901 and 1904.						
Victoria Township	112	48	167	88	79	—
„ Commonage	6	1				
„ District	65	37	102	76	26	—
N'danga	21	1	22	15	7	—
Gutus, and part of Chilimanzi...	14	3	17	12	5	—
Chibi	7	—	7	14	—	7
Totals	225	90	315	205	117	7
DISTRICT OF CHARTER. European or white, 1901 and 1904.						
Enkeldoorn Township	31	17	81	95	—	14
„ Commonage ...	21	12				
Charter District and part of Chilimanzi	203	130	333	334	—	1
Totals	255	159	414	429	—	15
DISTRICT OF BULAWAYO. European or white, 1901 and 1904.						
Bulawayo Township	1,669	835	3,840	4,694	—	854
„ Suburbs	196	179				
„ Commonage	626	335				
Bubi District	354	157	511	317	194	—
Bulilama Mangwe	301	190	491	293	198	—
Matobo	150	64	214	128	86	—
Insiza (Umzingwane)	173	81	254	137	117	—
Insiza (Filabusi)	113	28	141	151	—	10
Belingwe	78	15	93	97	—	4
Wankie	412	35	447	—	447	—
Sebungwe	4	—	4	11	—	7
Totals	4,076	1,919	5,995	5,828	1,042	875
DISTRICT OF GWELO. European or white, 1901 and 1904.						
Gwelo Township	185	94	451	327	124	—
„ Commonage	114	58				
„ District	627	155	782	499	370	—
Selukwe	72	15	87			
Totals	998	322	1,320	826	494	—
DISTRICT OF GWANDA. European or white, 1901 and 1904.						
Gwanda Township	38	3	91	139	—	48
„ Commonage	37	13				
„ District	218	27	245	218	27	—
Totals	293	43	336	357	27	48

V.—NATAL.

GOVERNMENT NOTICE No. 350, 1904.

The following Returns of the Population of the Colony of Natal (exclusive of Native Areas) are published for general information.

C. BIRD,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
28th May, 1904.

CENSUS OF THE COLONY OF NATAL, 1904.

(NATIVE AREAS EXCEPTED.)

Official No.	Census Division, Town, or Centre.	Europeans and Whites.		Indians		Natives in Service.		Mixed and Others.		Total.		Grand Total.
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
1	Ladysmith Division ...	632	475	1,044	362	2,011	422	6	4	3,693	1,263	4,956
2	Lion's River „ ...	900	664	897	331	1,640	152	47	33	3,484	1,230	4,714
3	Ixopo „ ...	479	397	102	36	1,163	264	60	63	1,804	760	2,564
4	Alexandra „ ...	542	411	3,986	2,368	929	82	107	105	5,564	2,966	8,530
5	Upp'r Umkomanzi Divis'n	517	433	469	176	1,325	153	28	27	2,339	789	3,128
6	Newcastle Division ...	1,375	956	1,051	444	2,527	371	81	105	5,034	1,876	6,910
7	Impendhle „ ...	312	202	167	68	1,402	46	21	27	1,902	343	2,245
8	Dundee „ ...	1,129	831	1,682	310	3,097	554	38	31	5,946	1,726	7,672
9	Inanda „ ...	828	730	12,636	8,838	898	115	118	103	14,480	9,786	24,266
10	Lower Tugela Division ...	523	434	6,274	4,754	935	165	89	72	7,821	5,425	13,246
11	Bergville „ ...	293	235	77	34	358	220	18	10	746	499	1,245
12	Estcourt „ ...	1,497	1,160	988	333	2,366	521	72	47	4,923	2,061	6,984
13	Mapumulo „ ...	33	19	4	—	85	23	—	—	122	42	164
14	Umgeni „ ...	617	484	1,245	719	1,185	95	25	14	3,072	1,312	4,384
15	New Hanover „ ...	859	777	648	247	969	177	31	9	2,507	1,210	3,717
16	Umlazi „ ...	3,359	2,885	13,403	9,595	2,674	272	314	241	19,750	12,993	32,743
17	Alfred County „ ...	274	208	43	8	639	147	271	288	1,227	651	1,878
18	Camperdown „ ...	508	442	589	224	1,029	149	6	5	2,132	820	2,952
19	Umvoti „ ...	569	410	217	90	1,293	254	32	46	2,111	800	2,911
20	Ndwedwe „ ...	17	12	1	—	61	19	—	—	79	31	110
21	Utrecht „ ...	1,033	909	1	—	1,056	456	11	12	2,101	1,377	3,478
22	Krantz Kop „ ...	194	154	26	10	477	194	16	6	713	364	1,077
23	Lr. Umzimkulu „ ...	540	372	950	438	990	83	36	28	2,516	921	3,437
24	Umsinga „ ...	150	110	34	28	309	117	3	2	496	257	753
25	Vryheid „ ...	1,533	1,309	4	—	1,232	654	9	10	2,778	1,973	4,751
26	Paulpietersburg „ ...	493	477	—	—	476	230	2	1	971	708	1,679
27	Weenen „ ...	437	291	52	11	626	174	13	15	1,128	491	1,619
28	Polela „ ...	363	237	177	109	1,145	84	71	45	1,756	475	2,231
29	Underberg „ ...	216	157	58	12	524	128	20	10	818	307	1,125
30	Eshowe „ ...	325	250	47	33	1,062	84	29	25	1,463	392	1,855
30A	Nqutu „ ...	79	67	1	—	291	30	3	1	374	98	472
30B	Nkandhla „ ...	96	42	—	—	267	15	—	—	363	57	420
30C	Emtonjaneni „ ...	210	145	1	—	376	55	3	5	590	205	795
30D	Ndwandwe „ ...	51	24	—	—	294	26	4	10	349	60	409
30E	Umfolosi „ ...	32	11	4	1	134	10	2	3	172	25	197
30F	Ubombo „ ...	17	6	2	—	58	5	1	—	78	11	89
30G	Hlabisa „ ...	66	27	5	—	256	23	1	—	328	50	378
30H	Ingwavuma „ ...	24	7	—	—	167	8	—	—	191	15	206
30I	Umlalazi „ ...	96	67	18	8	309	80	2	11	425	166	591
30J	Mahlabatini „ ...	29	22	—	—	145	27	—	—	174	49	223
31	Municipality—P.M. Burg	8,134	6,952	3,588	1,692	8,060	1,614	616	543	20,398	10,801	31,199
32	„ —Durban ...	18,777	12,525	10,509	5,122	18,236	693	1,109	871	48,631	19,211	67,842
33	„ —Ladysmith	1,284	985	781	355	1,593	486	37	47	3,695	1,873	5,568
34	„ —Newcastle	614	552	348	167	1,090	82	32	65	2,084	866	2,950
35	„ —Dundee ...	685	627	313	95	871	170	27	23	1,896	915	2,811
36	Local Board—Verulam	189	174	448	252	193	36	13	20	843	482	1,325
37	„ „ —Greytown	545	572	191	80	687	279	39	43	1,462	974	2,436
38	„ „ —Utrecht ...	296	246	—	—	209	64	23	22	528	332	860
38A	„ „ —Vryheid ...	779	565	31	13	740	113	27	19	1,577	710	2,287
39	Natal Harbour Board ...	1,540	84	226	—	148	2	58	3	1,972	89	2,061
40	His Majesty's Troops ...	2,405	195	137	4	1,019	2	12	—	3,573	201	3,774
41	Travellers, N.G. Railways	263	25	22	4	120	7	27	6	432	42	474
	Total	56,758	40,351	63,497	37,421	69,746	10,232	3,610	3,076	193,611	91,080	284,691

TRANSVAAL AND ORANGE RIVER COLONY

CORRESPONDENCE

RELATING TO

AFFAIRS IN THE TRANSVAAL AND ORANGE RIVER COLONY.

Presented to both Houses of Parliament by Command of His Majesty.

July, 1904.

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			1904.		
1	To Governor Viscount Milner.	Transvaal. Telegram 3	March 25	Asks for certain information in connections with land settlement in the Transvaal.	1
2	Governor Viscount Milner.	Transvaal. Telegram 5.	March 28 (Rec. Mar. 29.)	Furnishes information asked for ...	1
3	To Governor Viscount Milner.	Orange River Colony. Telegram 1.	April 6	Asks for similar particulars for the Orange River Colony, and for a statement of the number of British and Dutch settlers in each Colony for whom provision has been made out of land settlement funds.	1
4	Governor Viscount Milner.	Orange River Colony. Telegram 3.	April 13 (Rec. Apr. 14.)	Replies to No. 3	2
5	Governor-General Lord Northcote.	Australia	March 28 (Rec. May 2.)	Forwards a resolution of the Federal Legislature recording its great objection to the introduction of Chinese labour into the Transvaal until a referendum has been taken or responsible government established.	2
6	Acting-Governor Sir H. Bale.	Natal, Telegram.	May 4 (Rec. May 4.)	Forwards resolution of the Legislative Assembly recognising the great services of Lord Milner, and deprecating the use of South African questions for party purposes in the Imperial Parliament.	2
7	To Acting-Governor Sir H. Bale.	Natal, Telegram 1.	May 11	Requests that the Speaker of the Legislative Assembly may be informed that the resolution in No. 6 has been duly received and noted.	3
8	To Governor-General Lord Northcote.	Australia	May 20	Replies to No. 5	3
9	Governor Viscount Milner.	Transvaal.	May 9 (Rec. May 30.)	Furnishes particulars of white employees engaged in the Transvaal mining industry.	3
10	Ditto	Transvaal.	May 9 (Rec. May 30.)	Transmits schedule showing in detail the number of white men engaged in unskilled labour in the mines.	5
11	Ditto	Transvaal.	May 16 (Rec. June 4.)	Transmits despatch from the Lieutenant-Governor, forwarding, and commenting on, Departmental Progress Reports, 1903.	6
12	Ditto	Orange River Colony.	May 23 (Rec. June 18.)	Forwards an *ad interim* report by the Lieutenant-Governor on the progress made in the various Administrative Departments of the Orange River Colony.	122

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Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1904.		
13	Governor Viscount Milner.	Transvaal.	May 30 (Rec. June 18.)	Transmits report of the proceedings at a conference between the Lieutenant-Governor of the Transvaal, the members of the Executive Council, and the members of the Farmers' Congress, together with resolutions submitted to the Government by the meeting.	144
14	High Commissioner Viscount Milner.	Telegram 170.	June 18 (Rec. June 18.)	Reports that an agreement for an additional article to the *modus vivendi* with Portugal was signed on June 15, providing that the elements of any industrial products admitted free of duty into the Transvaal or Mozambique must be products of the soil.	168
15	To Governor Viscount Milner.	Telegram 3.	June 22	Requests him to telegraph whether beriberi has broken out among Chinese and, if so, what precautions have been taken to prevent spread of disease, and to send a report by mail on the arrival, landing, and despatch of Chinese.	168
16	High Commissioner Viscount Milner.	—	June 6 (Rec. June 25.)	Forwards a report of the President's speech at the opening of the Inter-Colonial Council, Estimates of the Central South African Railways, Inter-Colonial Estimates of Expenditure for 1904–5, an approximate statement of the Guaranteed Loan, and a statement showing the position of the Land Settlement Loan Fund on March 31.	168
17	To Governor Viscount Milner.	Telegram 4.	June 25	Suggests remedial measures for dealing with the beri-beri outbreak.	186
18	Ditto	Telegram 1.	June 27	Asks for reply to Nos. 15 and 17 ...	186
19	Governor Viscount Milner.	Telegram 2.	June 28	Reports particulars of outbreak of beriberi among labourers on the "Tweeddale"; neither medical officers nor labourers have the smallest anxiety.	186
20	Ditto	Telegram 4.	June 30 (Rec. June 30.)	Expresses thanks for suggestions in No. 17; his medical advisers are watching the outbreak closely and are quite satisfied with the arrangements made.	186
21	Ditto	Telegram 5.	June 30 (Rec. June 30.)	Reports that there are thirty cases of beri-beri in the compounds on the Rand, all of which are doing well; there is not the slightest cause for anxiety.	187
22	Ditto	—	June 13 (Rec. July 2.)	Transmits a Memorandum showing the total number of deaths in 1903 among native labourers employed in the Transvaal mines.	187

APPENDIX.

Agreement for a "Modus Vivendi" between the High Commissioner for South Africa and the Governor-General of Mozambique, dated December 18, 1901 189

CORRESPONDENCE

RELATING TO

AFFAIRS IN THE TRANSVAAL AND ORANGE RIVER COLONY.

No. 1.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER (TRANSVAAL).

(Sent 6.25 p.m., March 25, 1904.)

TELEGRAM.

March 25. No. 3. Please telegraph before Tuesday amount spent on Land Settlement in Transvaal, number of settlers in actual occupation of holdings, total acreage so allotted, and, if possible, acreage in arable cultivation.

No. 2.

GOVERNOR VISCOUNT MILNER (TRANSVAAL) to MR. LYTTELTON.

(Received 12.40 a.m., March 29, 1904.)

TELEGRAM.

March 28. No. 5. Your telegram of 25th March, No. 3.* Number of settlers 508. Total area allocated is 620,423 acres, of which 292,871 are old Government land and 328,552 land purchased for settlement purposes. Cost of latter £193,136. Loans to settlers £130,300. Total £323,436, recoverable from settlers with interest under Settlers Ordinance. In addition to above about 550,000 acres have been bought for settlement purposes, but not yet allotted to settlers. Cost of these £323,804. Acres under crop by settlers 16,621.

No. 3.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER (ORANGE RIVER COLONY).

(Sent 2.25 p.m., April 6, 1904.)

TELEGRAM.

April 6. No. 1. Referring to your telegram of 28th March, No. 5.† Please give similar particulars as to land settlement in the Orange River Colony. Also state how many British and how many Dutch settlers in each Colony for whom provision has been made out of land settlement funds.

* No. 1.

† No. 2.

No. 4.

GOVERNOR VISCOUNT MILNER (ORANGE RIVER COLONY) to MR. LYTTELTON.

(Received 12.20 a.m., April 14, 1904.)

TELEGRAM.

April 13. No. 3. Your telegram of 6th April, No. 1.* Number of settlers in Orange River Colony 627; heads of families, British, 541, Dutch 86, of whom 71 are National Scouts. Total area of land allotted to settlers 898,429 acres, of which 607,958 acres, costing £524,011, are land purchased for settlement purposes and 290,471 acres are old Government land. Total area purchased for settlement 1,008,369 acres, costing £781,958, of which 400,411 acres, costing £257,947 remain to be allotted. Included in latter are (1) 36,475 acres allocated for irrigation works now in course of construction; (2) 131,192 acres undergoing further development before sub-division; (3) 3,236 acres allocated to Agricultural Department. Total area of old Government land 507,840 acres, of which a considerable portion unsuitable for settlement purposes. Loans to settlers £30,753. Acres under crop by settlers 75,645. This is approximate, but within mark.

No. 5.

GOVERNOR-GENERAL LORD NORTHCOTE (AUSTRALIA) to MR. LYTTELTON.

(Received May 2, 1904.)

Commonwealth of Australia, Governor-General,

SIR, Melbourne, March 28, 1904.

I HAVE the honour to inform you that a resolution has been passed in both branches of the Federal Legislature, on the subject of the proposed introduction of Chinese into the Transvaal in the following terms:—

> "That this House records its grave objection to the introduction of Chinese labour into the Transvaal, until a referendum of the white population of the Colony has been taken on the subject, or Responsible Government is granted."

2. I should, perhaps, inform you that the above resolution was carried unanimously in the Senate and by a large majority in the House of Representatives.

I have, &c.,
NORTHCOTE,
Governor-General.

No. 6.

ACTING GOVERNOR SIR H. BALE (NATAL) to MR. LYTTELTON.

(Received 6 p.m., May 4, 1904.)

TELEGRAM.

May 4. I have received following Resolution passed by Legislative Assembly with request that same may be transmitted to you by telegram:—

> *Begins:* This House fully recognises the great services to the Empire of His Excellency Viscount Milner, deprecates the use of South African questions for party purposes in the Imperial Parliament, and is of opinion that Imperial interests and the interests of South Africa will best be served by leaving her to work out her own destiny. *Ends.*

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* No. 3.

No. 7.

Mr. LYTTELTON to Acting Governor Sir H. BALE (Natal).

(Sent 2 p.m., May 11, 1904.)

Telegram.

May 11. No. 1. Your telegram, 4th May.* You should inform Speaker of the Legislative Assembly that I have duly received and noted the terms of their Resolution.

No. 8.

Mr. LYTTELTON to Governor-General LORD NORTHCOTE (Australia).

My Lord, Downing Street, May 20, 1904.

I have the honour to acknowledge the receipt of your despatch of the 28th March,† containing the terms of a Resolution passed in both branches of the Federal Legislature recording their objection to the introduction of Chinese labour into the Transvaal until a referendum of the white population of the Colony has been taken on the subject or responsible Government is granted.

While His Majesty's Government fully recognise the right of the Legislature of the Australian Commonwealth to express their opinion in regard to so important a matter as the introduction of Chinese labour into the Transvaal, a country which owes so much to the part played by Australians in the recent War, His Majesty's Government regret that for the reasons which have been stated in discussion upon the matter in Parliament during its present Session, they have been unable to adopt the policy advocated in the Resolution.

In the exceptional condition of things then and now existing in the Transvaal, the question was one of extreme urgency, and it was, therefore, clearly impossible to await the establishment of responsible Government; nor could a referendum have been taken without the provision of electoral machinery, and the definition of electoral qualifications, which would have involved long delay. His Majesty's Government adhere to the policy of treating the Transvaal as a self-governing Colony so far as its internal affairs are concerned where Imperial interests are not involved, and the presence of active local support and the absence of active local opposition to the Ordinance which was passed by 22 votes to 4 in the Legislative Council has confirmed His Majesty's Government in their conviction that this legislation is in entire harmony with the views of a large majority of the white population of the country.

I have, &c.,
ALFRED LYTTELTON.

No. 9.

Governor VISCOUNT MILNER (Transvaal) to Mr. LYTTELTON.

(Received May 30, 1904.)

Sir, Governor's Office, Johannesburg, May 9, 1904.

With reference to your despatch dated the 26th February, 1904,‡ I have the honour to inform you that the number of British-born workmen employed on the mines and works of this Colony on the 31st March, 1904, was 11,408, or 86.6 per cent. of the total number, viz., 13,174, of Europeans employed.

The total number of British-born employees in the service of the Central South African Railways on the 5th instant was 6,493, being made up of salaried staff 1,770, daily paid staff 4,723.

Further particulars will be found in the two Returns attached.

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* No. 6. † No. 5. ‡ Not printed; the despatch asked for this information.

I regret that in the case of mine employees, it was not found possible to obtain detailed particulars as to place of birth, and therefore the Return only shows British subjects, whether home or Colonial born.

I have, &c.,
MILNER,
Governor.

Enclosure 1 in No. 9.

STATEMENT showing Number and Percentage of British-Born Workmen employed by the Mining Industry of the Transvaal, as at 31st March, 1904.

Industry.	No. of Mines, &c.	Total No. of Europeans Employed.	Total No. of British-born included in Column 2.	Percentage of British-born to Total.
GOLD MINES.				
Witwatersrand	111	11,865	10,240	86·3
Outside District	33	623	530	85·1
Total	144	12,488	10,770	86·2
Coal Mines...	22	477	457	95·8
Diamond Mines	6	174	151	86·8
Metallurgical and Chemical Works ...	6	35	30	85·7
Total	178	13,174	11,408	86·6

Enclosure 2 in No. 9.

NUMBER of British-Born employees on the Central South African Railways.

April 5th, 1904.

——	Salaried Staff.	Daily Paid Staff.	Total.
United Kingdom	1,320	3,867	5,187
Canada	15	43	58
Australia	105	159	264
New Zealand	19	23	42
South Africa	288	620	908
India	16	6	22
West Indies	2	—	2
Ceylon	1	—	1
Mauritius	1	4	5
British Burmah	1	—	1
Hong Kong	1	—	1
Bermuda	1	—	1
St. Helena	—	1	1
Grand Total	—	—	6,493

No. 10.

GOVERNOR VISCOUNT MILNER (TRANSVAAL) to MR. LYTTELTON.

(Received May 30, 1904.)

SIR, Governor's Office, Johannesburg, May 9, 1904.

WITH reference to your despatch dated the 4th March, 1904,* I have the honour to inform you that out of a total number of 13,174 white employees engaged in the mining industry of this Colony, 1,003 are employed on unskilled labour which, before the war, was generally performed by Kaffirs. Of this number 408 are of British nationality, 551 are Boers, and 44 are aliens.

The percentage therefore of Europeans engaged on unskilled labour to the total number of white employees engaged in the mining industry is 7.6.

With regard to unskilled British-born workmen the percentage of such to the total number of British-born workmen employed is 3.6.

A schedule showing in detail the figures required is attached hereto.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 10.

STATEMENT showing number and percentage of white employees in the mining industry of the Transvaal together with those whites who are now employed on work which, prior to the war, was performed by Kaffirs.

Industry.	Number of Mines.	Total number of White employees.	Number of Whites employed on unskilled labour which, prior to the war, was performed by Kaffirs.				
			British.	Boers.	Aliens.	Total.	Percentage of unskilled to total employed.
GOLD MINES.							
Witwatersrand	111	11,865	405	551	42	998	8·4
Outside...	33	623	—	—	—	—	—
Totals for Gold Mines ...	144	12,488	405	551	42	998	8
Coal Mines	22	477	3	—	2	5	1
Diamond Mines	6	174	—	—	—	—	—
Metallurgical and Chemical Works.	6	35	—	—	—	—	—
Grand Totals	198	13,174	408	551	44	1,003	7·6

NOTE.—Percentage of unskilled British-born as above to total number of British-born workmen employed (11408)=3·6%.

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* Not printed : the despatch asked for this information.

No. 11.

GOVERNOR VISCOUNT MILNER (TRANSVAAL) to MR. LYTTELTON.

(Received June 4, 1904.)

SIR, Governor's Office, Johannesburg, May 16, 1904.

I HAVE the honour to transmit to you a copy of a despatch from the Lieutenant-Governor of the Transvaal, forwarding a number of Departmental Reports* on the progress of the Colony.

Enclosures 1 to 3 are, as you will observe, complete reports for the year 1903. The remainder (Enclosures 4 to 34) are *ad interim* reports, and will be completed in due course to the end of the financial year 1903-4.

I regret that I am not in a position to-day to send you similar returns for the Orange River Colony, but I trust that, if they follow by next mail, they will still be in time for your purpose.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 11.

Lieutenant-Governor Sir A. LAWLEY to Governor VISCOUNT MILNER.

MY LORD, Lieutenant-Governor's Office, Pretoria, May 14, 1904.

I HAVE the honour, in compliance with your instructions, to forward herewith various Departmental Reports on the work of this Administration since January 1st, 1903.

As you are aware, full reports up to June 30th, 1904, will shortly be due, and though the reports which I now forward are, owing to shortness of time, more crude and less complete than I could have wished, I have brought them as nearly up to date as possible, and have included all available statistics.

In submitting a general report of the work of the Administration since the end of 1902, I propose to deal first of all with the events of political significance which have occurred during the past fifteen months.

The year 1903 opened with the arrival of Mr. Chamberlain, which is now a matter of history; every detail of his tour in South Africa has been so fully described as to become common knowledge, and any recital on my part of the incidents of his visit to the Transvaal would be superfluous.

I propose, therefore, only to deal with the practical and direct results immediately arising from Mr. Chamberlain's visit.

LOAN.

During his stay in Johannesburg he spared no pains in learning the fiscal prospects of the Colony, with the view of determining how far the Mother Country would be justified in giving an Imperial guarantee to a loan which would restore the financial equilibrium of the State, and also of gauging the ability of the Transvaal after paying the interest on such a loan to contribute to the Imperial Exchequer some amount in the form of an indemnity on account of the war. The following agreement was then and there entered into between him and a large representative body of Colonists, including the heads of the mining industry, the Chambers of Commerce and Trade, and all the public bodies of the Rand, viz.:—Mr. Chamberlain agreed to the issue of a loan of £35,000,000, bearing the guarantee of the Imperial Government, and secured on the general revenue of the Transvaal and Orange River Colonies; the loan to bear interest at the rate of 3 % (three per cent.) per annum, with a sinking fund of 1 % (one per cent.) in addition. It was understood that the proceeds of the loan would be used for the purchase of the public works and railways, the extinction of present liabilities, the provisions necessary for railway extension and other public works in the two Colonies, and the completion of the work of repatriation and resettlement. This undertaking was given by Mr. Chamberlain on the understanding that a further loan of £30,000,000, bearing interest at four per cent.

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* For the reports which are printed here see p. 24.

(4 %) per annum, but without any provision for a sinking fund, should be issued, and that the proceeds of this loan should be paid over when received free of all incumbrances to His Majesty's Government as a voluntary contribution on behalf of the Transvaal towards the cost of the late war. The services of this loan were to be a charge upon the general revenue of the Transvaal only. The issue was to take place in three instalments of £10,000,000 each, an interval of at least twelve months being allowed between the issue of the instalments. The first instalment was to be issued about January, 1904, the success of this issue being guaranteed by certain South African firms.

It will thus be seen that under this arrangement the Transvaal and Orange River Colony combined are subject to a burden of £35,000,000 of debt, mostly incurred for remunerative purposes, while the Transvaal alone is ultimately to carry a further dead weight debt of £30,000,000 as a contribution to the expenses of the war. A similar, though much smaller, contribution from the Orange River Colony may also be imposed, but this is conditional on the mineral resources of that Colony. When the number of the population of this country is taken into consideration, it will be apparent that a condition of things was thereby established which is without precedent in the history of any other country in the world. I have no doubt that this country will in time be able to carry this enormous burden of debt when its potential resources have been fully developed. But until the present abnormal depression has passed, it would, I think, be a mistaken policy to cast the whole burden upon the country, while it is emerging from a state of unusual stress.

It was not anticipated that the whole sum of £35,000,000 would be immediately required, and it was decided to begin with the issue of a loan amounting to £30,000,000 only, leaving the balance of £5,000,000 to be issued when occasion might require it. The necessary legislation having been passed in the Imperial Parliament and the local Legislature, the loan was issued in the month of May, 1903, and was subscribed for many times over. The issue was spread over eight months, from May to December, the final instalment of £4,500,000 being paid on the 8th of December, 1903. Of the sum of £30,000,000 so raised the whole amount within a few thousand pounds has now been spent, or as good as spent.

The delay in raising the balance of £5,000,000 has been the cause of a temporary inconvenience, from which we may fairly hope to be shortly relieved.

The same causes which necessitated the postponement of the issue of the balance of the guaranteed loan induced this Government to represent to His Majesty's Government the desirability of postponing the issue of the first instalment of the war debt of £30,000,000.

Throughout the year 1903 there was a constant shortage of the labour supply which retarded the growth of the mining industry; there was a regularly increasing depression in commercial and trading circles; the railway revenue continued to fall off; and general distress prevailed throughout the country. It became apparent that we should have difficulty in balancing our expenditure with our revenue, and the prospect of having to meet additional demands for interest on a fresh loan could only be viewed with serious concern. On these facts becoming known to His Majesty's Government, they generously decided not to press for the immediate raising of the £30,000,000 loan.

Inter-Colonial Council.

When the issue of the guaranteed loan became imminent, several difficulties presented themselves in regard to its allocation. The question of distributing the burden of the loan between the Transvaal and the Orange River Colonies; the allocation of any expenditure for new railway lines in one or other of the Colonies; the division of railway receipts; the apportionment of the cost of the South African Constabulary; and other minor matters, such as the expenses of the Enquiry Office at Cape Town, the geodetic survey, &c., all these were certain to prove matters of controversy between the two Colonies, and likely to involve unnecessary cost in administration. The desirability became manifest of treating the railways as the common property of the two Colonies, and of creating a common fund with common services defrayed therefrom.

The principle having been adopted by His Majesty's Government, it became necessary to constitute a common authority, with both official and popular repre-

sentatives of the Transvaal and Orange River Colonies to advise the Governor and High Commissioner with regard to this Inter-Colonial Budget, and the services for which it was to provide. By an Order in Council, dated the 20th of May, 1903,* the Inter-Colonial Council was constituted, consisting of the High Commissioner and Governor as President, the Lieutenant-Governors of the Transvaal and Orange River Colonies, the Inspector-General of the South African Constabulary, two official members nominated by the Lieutenant-Governors of the Transvaal and Orange River Colonies respectively, two elected by the non-official members of each of the Legislative Councils, and two nominated by the Secretary of State.

The first session of the Inter-Colonial Council was held on the 4th of July, 1903, and adjourned on the evening of July the 8th until the 1st of March, 1904, when an extraordinary meeting was held, which adjourned on Wednesday, the 9th of March.

During the second session of the Council it was unanimously resolved to request the President to respectfully submit to His Majesty's Government the desirability of increasing the membership of the Council.

As a result of the representations made, an Order in Council has recently been issued,† increasing the membership to a total of 26, the High Commissioner and Governor as President, the two Lieutenant-Governors, the Inspector-General of the South African Constabulary, the Commissioner of Railways, four official members nominated by each of the Lieutenant-Governors, six elected by the non-official members of the Legislative Council of the Transvaal, four elected by the non-official members of the Legislative Council of the Orange River Colony, two nominated by the Secretary of State, and one member to be nominated by the High Commissioner and Governor, being a person holding office in a branch of the Public Service, common to the Transvaal and Orange River Colony, in regard to which the Council has power to advise the High Commissioner and Governor.

The first meeting of the enlarged Council will be held in Pretoria on Tuesday, the 31st May.

Legislative Council.

Another matter which engaged the attention of Mr. Chamberlain was the enlargement of the Legislative Council. For eleven months after the declaration of peace all legislation was enacted, under Letters Patent, dated the 2nd August, 1901, by the Executive Heads of the Government, consisting of the Lieutenant-Governor, and the persons for the time being discharging the functions of Colonial Secretary, Attorney-General, Commissioner for Native Affairs, Colonial Treasurer, Commissioner of Mines, and, after 20th March, 1903, Commissioner of Lands, who together formed the Legislative Council of the Transvaal.

During that time this Council was responsible for the enactment of 83 ordinances, the most important dealing with the establishment of a Supreme Court and a High Court of this Colony, the regulations of Volunteer Corps, juries, the payment of arrear licence monies on claims and stands, the constitution of the Supreme Court as a court of appeal from the Courts of the Orange River Colony, a Liquor Law,‡ Settlers,§ Criminal Procedure,‖ Public Education, Execution of Wills, and many other Ordinances of urgent necessity.

It was felt that the time had arrived when the various industries and interests of the country should be more generally and directly represented in the Legislature. Many legislative measures which had to be introduced largely affected the general welfare, and it was, therefore, desirable to invite the opinion of men representing the different sections of the community.

It was obviously necessary that the Government should retain a majority on the Council, and it was decided that the enlarged Legislative Council should consist of a total of thirty members, of whom 16 should be official and 14 non-official. It appeared that with so many non-official members adequate representation would be given to various classes and interests.

In the choice of members a selection was made of men who would be most likely to add weight to its deliberations. The Government was anxious to include the most influential and representative men belonging to the Dutch section, and

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* Printed in [Cd. 1641]. † Printed in [Cd. 2102]. ‡ See [Cd. 1365].
§ See Appendix in [Cd. 1463]. ‖ Printed in [Cd. 1555].

therefore ex-Generals de la Rey, Smuts and Botha were first of all invited to represent the Boers. They, however, decided not to accept the position, laying great emphasis on the fact that, in their opinion, the moment had not arrived for even a nominated legislature, far less that of popular representative institutions. Finally, the Council was so constituted as to include, as far as possible, representatives from country districts and towns, and of the agricultural, industrial, and commercial interests.

The first session of the enlarged Legislative Council, constituted under the amended Letters Patent, dated the 23rd of September, 1902,* and consisting of 30 members, 23 of which were appointed (by Proclamation No. 13 of the 14th of May, 1903) under the provisions contained in the amended Royal Instructions for a period of two years, was opened on the 20th of May, 1903, and was prorogued on the 30th of July of the same year.

During this session 35 Ordinances were passed, among the most important being those providing for the establishment of Municipal Elections and to Local Government, legislation which was entirely new to this country, Johannesburg being the only town which had been previously governed by a Town Council, a Customs Law embodying the terms agreed upon at the Customs Convention† at Bloemfontein, and providing for the entry of the Transvaal into the Customs Union of all the Colonies and States of South Africa; a Diamond Trade Law, to be distinguished from the next mentioned, to prevent the illicit dealing in diamonds, and an Ordinance dealing with the mining and prospecting for precious stones, which passed the third reading on the 30th of July, 1903.

The second session of the Legislative Council was opened on the 7th December, 1903, and prorogued on the 12th February, 1904.

During this session 18 Ordinances were passed, and one private Ordinance, introduced by a non-official member on behalf of the Municipality of Johannesburg, which dealt with the raising of a municipal loan. The most important of these Ordinances were those relating to the importation of non-European labour and the prospecting and mining for precious metals.

It had been generally anticipated that with the cessation of hostilities and the return of tranquility the influx of labourers to the mines would constantly increase and reach greater proportions than had ever been known before, but, as time went on, experience showed that, so far from these anticipations being correct, the new and more attractive fields for labour which were opened to the labourers by the changed conditions of the country resulted in the numbers available for mining work being far below what were actually required.

In July, 1903, I appointed a Commission:—

> "To enquire what amount of labour was necessary for the requirements of the agricultural, mining and other industries of the Transvaal, and to ascertain how far it was possible to obtain an adequate supply of labour to meet such requirements from Central and Southern Africa."

The constitution of the Commission was such as to include men representing every interest, and possessed of a general knowledge of South Africa and of native matters. An endeavour was made to include some of the most prominent of the Boer section, but my invitation to them to serve on the Commission was not accepted. Many of them, however, appeared as witnesses before the Commission.

The Commission held its first sitting on Tuesday, the 21st of July, 1903, and closed its sittings on the 6th of October, 1903, during which time 91 witnesses were examined, and over 14,000 questions were put and answered.

The Commission failed to arrive at an unanimous opinion, two members of the Commission, Messrs. Quinn and Whiteside, submitting a minority report. Both reports, together with the evidence, have been printed and fully circulated, so that I do not propose to recapitulate the findings now.‡

On the 28th of December, 1903, Sir George Farrar brought forward a motion in the Council calling the attention of the Government to the reports, and urging the introduction of an Ordinance to provide for the importation of indentured, unskilled coloured labourers, for the purpose of supplementing labour on the mines within the Witwatersrand area. After a lengthy debate, extending over 30 hours,

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* Printed in [Cd. 1463]. † See [Cd. 1599]. ‡ See [Cd. 1896] and [Cd. 1897].

which occupied three sittings of the Council, and in the course of which more than one member spoke for over three hours, Sir George Farrar's motion was carried by a majority of 18 in a House of 22.*

On the 19th of January, 1904, leave was granted to introduce a draft Ordinance* to regulate the introduction into the Transvaal of indentured, unskilled, non-European labourers, and the third reading was passed on the 10th February. This was the most important of the Ordinances passed during the second session.

Among other legislation promulgated was an Ordinance introduced consequent upon an arrangement entered into with the Governments of South African Colonies for the taking of a contemporaneous census; a law enabling the Lieutenant-Governor to vest the town, or commonage, lands in the local authorities; laws affecting the agricultural community, and dealing with the theft of stock, stock brands, and fencing; and the introduction of a draft Ordinance "to amend the Gold Law," which last is still in Select Committee.

It will thus be seen that in the two sessions of Council a great amount of most important legislation was passed.

Since the institution of the enlarged Legislative Council, five official members have resigned, namely: Mr. Davidson, Colonial Secretary (now Governor of the Seychelles Islands); Mr. Wybergh (who was Commissioner of Mines); Dr. Fox-Symons, who only held his appointment while acting during the absence of the Medical Officer of Health; Dr. Ward, K.C., who has since been elevated to the Bench of the Supreme Court of the Orange River Colony; and Colonel Fowke, Director of Public Works, who has returned to his military duties.

The proceedings of the Council have been a matter of great public interest, and I have no hesitation in saying that the experiment of introducing a number of non-official members has been eminently successful, both from the point of view of the Government and of the public.

Administrative.

To turn now to what I may call the ordinary progress of Civil Administration, I may confidently say that in spite of steadily increasing depression in financial and commercial circles, the progress which is apparent from an administrative point of view is remarkable. By this I mean that there has been a very marked advance in the return of the country generally to a normal condition.

The work of the Repatriation Department is completed, and the depôts have been closed down. A full report on the work of the Department will shortly be submitted to you; meanwhile, I will only say that the task of restoring the Boer nation to the various parts of the country, the whole of which had been left waste and desolate by war, has been accomplished, and, thanks to the work of the Department, aided by an excellent harvest this year, the rural population of the Transvaal is no longer face to face with destitution and starvation.

In the country a remarkable amount of rebuilding has been carried out; in the towns the number of new houses which have sprung up is quite extraordinary; gradually farms are being restocked; a larger amount of land has been brought under cultivation this year than has ever been the case before, and in spite of terrible mortality amongst cattle in certain parts of the country, it may be fairly stated that, as a whole, the people are once more independent of Government relief, though still in many cases far removed from the prosperity which they experienced in the past.

This result has not been achieved without a vast expenditure of money.

When the Terms of Surrender† were signed at Vereeniging, an obligation was undertaken by the Imperial Government to devote a sum of £3,000,000 sterling to the restoration of the people to their homes, and enabling them to resume their former avocations. A promise was held out, that further sums would be lent to the people for the same purpose on peculiarly favourable terms.

As a matter of fact, the sum then contemplated—£3,000,000—proved totally inadequate to repair the ravages of war and to give the inhabitants of the new Colonies a fresh start. A fair start has, indeed, been given them, but it has cost several times the amount originally contemplated.

The figures which follow apply to the two new Colonies collectively, as they have throughout been dealt with on the same principles, and have benefited by the same funds.

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* See [Cd. 1895].

† Printed in [Cd. 1096].

His Majesty's Government would have been fully justified in regarding the sum of £3,000,000 promised in the Terms of Surrender as applicable to the relief of *all* the inhabitants of the conquered territory. It would equally have been justified in making the £3,000,000 pay for the cost of administering the relief intended to be afforded. As a matter of fact, His Majesty's Government did neither of these things. Not a penny of the £3,000,000 has been, or will be, deducted for cost of administration, and the whole of the money—and a great deal more, as will appear hereafter—has gone to the relief of a single class of the people, viz., the former burghers, while a separate sum of £2,000,000 has been granted out of Imperial Funds for compensation to "British subjects, foreigners and natives."

It may be useful to recapitulate the various funds which have been, or are being, devoted to repairing the ravages of war and relieving the necessities of all classes of people in the new Colonies, and to state the present position of these funds. They are four in number:—

(1.) The £3,000,000 mentioned in the Terms of Surrender, which have been paid as a free grant out of Imperial Funds.

(2.) £5,000,000, appropriated to "Relief and Compensation" generally, out of the Guaranteed Loan.

(3.) £2,000,000 allocated to compensation to "British subjects, foreign subjects and natives." This, like No. (1.), is also a free grant paid out of Imperial Funds.

(4.) £2,000,000, paid over by the War Office to the Civil Government of the new Colonies for disbursement to a certain class of our former enemies, known technically as "Protected burghers." These are men towards whom the Military Authorities had incurred some special obligation, and who were regarded as entitled to compensation on a more liberal scale than that of the relief granted to ex-burghers generally.

To this sum of £2,000,000 was added a further sum of £2,500,000 for military receipts. The two constituted one fund, and have been disbursed concurrently by the same authorities. But the latter sum of £2,500,000 stands on a different footing from the £2,000,000, and, indeed, from all the sums enumerated above, inasmuch as it is money paid for goods received, and therefore in discharge of a debt. In its effect upon the economic condition of the country, however, it is indistinguishable from the other funds. They all help to put money into the pockets of the people, and to assist them in rebuilding, restocking, and generally making a fresh start in life.

Total amount provided, £14,500,000, of which £12,000,000 are gratuitous payments; £2,500,000 are in payment of goods received.

Now as to the actual expenditure up to date under the several heads:—

(1.) The £3,000,000 free grant under the Terms of Surrender.

Not only the whole of this sum, but much larger sums have been spent in "restoring the people to their homes" and supplying them "with food, shelter, and the necessary amount of seed, stock, implements, &c., indispensable to the resumption of their normal occupations." (Terms of Surrender, Article X.)

If it had not been for the £5,000,000 (No. 2) appropriated to "Repatriation and Compensation" out of the Guaranteed Loan, the work of repatriation would have had to stop long before the whole of the ex-burgher population had been put in a position to help themselves, and many would have remained in the greatest destitution. But His Majesty's Government made no attempt to restrict the assistance given within the limits of the amount actually promised. The policy pursued has been to give such help as was absolutely necessary, as long as it was necessary, regardless of the amount by which the sum originally promised might be exceeded. And as has been explained in previous despatches, the failure of the first harvest after the war, that of the early months of 1903, enormously increased the amount of this necessary expenditure. Instead of having to support the poorer class of the ex-burgher population for something like half a year, assistance had in many cases to be given for nearly a year and a half. It is only the present excellent harvest which has restored the bulk of them to a tolerable position, though a certain amount of destitution still exists, as indeed it existed, perhaps even to a greater extent, before the war. Burgher settlements, like that at Potchefstroom, which have been started with Government aid, have converted many men, who, before the war, were without fixed resources of any kind, into small farmers, with fixity of tenure for a number of years, and a fair prospect of permanent independence.

But while the £3,000,000 has been fully expended, the settlement of accounts with respect to it is not yet completed, and, when it is completed, will involve the payment of a certain sum, the exact amount of which is not yet ascertainable, in cash, which amount will have to be debited to the £5,000,000 (No. 2) set apart for "Repatriation and Compensation" out of the Guaranteed Loan. It was impossible to delay giving relief to people in absolute destitution, while we were determining the exact proportion in which £3,000,000 should be distributed among many thousands of men claiming to share in it on the ground of "war losses." As a general rule, therefore, everything given to the ex-burghers, whether in cash, supplies, stock, implements, or any other form, to help them to restart, was supplied in the first instance on credit. An account was kept against every man, and, wherever possible, security was taken. But at the same time as this work was going on, local Commissions were examining and assessing the accounts of their "war losses," presented by the ex-burghers claiming a share in the £3,000,000. Accounts, numbering 38,000, have been thus dealt with by these Commissions, and are now in the hands of the Central Judicial Commission for review and final assessment. It is only when this enormous work has been finished that a comparison can be instituted between the amount originally promised and the amount actually expended on the restoration of the ex-burgher population generally, as well as between the share of the £3,000,000 to which any individual ex-burgher, whether he has presented a claim or not, is entitled, and the amount actually received by him in kind.

That the total value of goods supplied to the ex-burghers, without adding to it anything for expenses of administration or cost of distribution, will enormously exceed £3,000,000 is quite certain, though the exact amount cannot yet be definitely stated. As regards the individuals, it is also quite certain that there are very many who will be found to have received more in the way of relief than they would have been entitled to, if the £3,000,000 had been distributed in cash. In such cases, the balance of indebtedness, unless at once paid off, will, where the man has any means, be treated as an advance, on the terms laid down in Article X. of the Terms of Surrender, *i.e.*, no interest will be charged until the expiry of two years from the date when the goods were supplied, and thereafter interest at 3 per cent. On the other hand, where the balance is, owing to the poverty of the recipient, clearly irrecoverable, the Government will have to stand the loss.

But while the ex-burghers as a whole, and the majority of individuals among them, have received much more than they were promised under the Terms of Surrender, there are, no doubt, a number of cases in which the value of the goods received is not equal to the amount to which the ex-burgher is entitled in the distribution of the three millions. In such cases the balance in his favour will, when the accounts are finally adjusted, be paid in cash.

(2.) The £5,000,000 for "Repatriation and Compensation" out of the Guaranteed Loan.

This, like the £3,000,000, has also been fully spent; in fact, this account at present shows a debit balance of about £600,000 (exclusive of some £800,000 still due to the War Office for goods supplied, which will, however, be more than covered by the surplus stock and stores now being disposed of). In view of what has been said above with regard to the inadequacy of the £3,000,000 for the work of restarting the whole of the ex-burgher population, it is not necessary to explain further how this sum of £5,000,000 has been spent, and, indeed, temporarily overspent. This fund has had to bear the whole brunt of the cost of repatriation, in so far as it was not provided by the £3,000,000. That is to say, it has not only paid for the large amount of supplies and stock, in excess of £3,000,000, received by the ex-burghers and debited to them at cost price, and in some cases below cost price, but it has had to defray the whole cost of the actual work of repatriation, the expenses of the Central Judicial Commission and of the local Commissions, of the numerous supply depôts established in all parts of the country and of the vast number of animals, waggons, drivers, &c., required to distribute these supplies. In the course of this work, lasting in many cases for nearly 18 months, a number of animals have died, and the balance are now being disposed of, often at a heavy loss, while surplus stores have also depreciated in value. Moreover, the loss, in respect of animals, waggons, &c., has been greatly aggravated by the enormous prices at which they were taken over from the military, prices possibly justified by the then prevailing scarcity, but which are greatly in excess of anything that can now be obtained.

Large sums have also been spent in the Orange River Colony in relief works,

and in the Transvaal, by way of advance, in providing the funds to start the burgher settlements. And, though the expenditure on all these purposes has now almost wholly ceased, there is a considerable amount, which will still have to be debited to this fund, in respect of the sums still to be paid, as explained above, to certain ex-burghers, who have not benefited from the expenditure on relief to the full extent to which they were individually entitled.

Nevertheless, it is probable that this sum of £5,000,000 for "Repatriation and Compensation" will not ultimately be exceeded. For against the existing deficit, and any further expenditure which may yet have to be incurred under this head, must be set the large sums undoubtedly recoverable from ex-burghers for the value of supplies, stock, &c., received by them in excess of the £3,000,000. As already stated, part of this excess must be regarded as irrecoverable. But a great deal of it is in the hands of substantial men and well secured, and I anticipate no difficulty in its recovery. The well-to-do farmers generally have so far evinced every desire to free themselves, as fast as could reasonably be expected, from indebtedness to the Government.

(3.) The £2,000,000 free grant for compensation to British subjects, foreigners and natives.

This sum is kept entirely apart from (1.) and (2.), although the expenses of administration, amounting to £23,000, are being charged to (2.). Consequently, the whole of the £2,000,000, without any deduction, has gone, or will go, to the direct benefit of the various persons entitled to share in this fund. £200,000 has been provisionally set apart for natives, and will be paid out as soon as the assessment of their losses, a very difficult, and, indeed, in some cases, almost impossible, task, has been completed. In the meantime, I may say, the natives have been greatly assisted by the payment of military receipts, of which they held a large number.

Of the balance of £1,800,000, a sum of £1,192,452 had been paid up to the 30th April, at the rate of 13s. 4d. in the £ of their assessed losses, to British subjects, and foreign subjects who had observed their duties as neutrals. The number of recipients was:—

British subjects	9,161
Foreign subjects	1,970

A further sum of £66,835 has been disbursed, through various relief funds, for the support of poor British subjects who, though not able to make a claim in respect of property, were undoubtedly losers through the war, through being driven into exile and deprived of their means of livelihood. The remainder, upwards of £500,000, will be paid out as soon as the native claims are finally assessed, and any outstanding claims of British and foreign subjects have received their first instalment of 13s. 4d. The final instalment to British subjects and foreigners will probably amount to about 4s., so that this class of sufferers by the war will have received payment almost to the full amount of their assessed losses, a degree of compensation which has few, if any, precedents in the case of past wars.

(4.) The sum of £2,000,000 handed over by the War Office for special compensation to "Protected burghers," with which is combined the £2,500,000 for military receipts.

Military receipts have been paid out to the amount of £2,550,113, thus showing an excess over the sum provided, which excess may yet be slightly increased, as there are still a certain number of receipts passed for payment, the persons entitled to which have not presented themselves, and cannot be found.

The payment to "Protected burghers" is going on apace, the sum disbursed up to date amounting to £1,445,888. I anticipate that the whole of this class, who have not yet received payment, will do so in the course of the next two months.

The number of "Protected burghers," whose claims have been dealt with and assessed by the Central Judicial Commission is 8,386.

In closing this part of my report, I would only call attention to the enormous amount of labour which has been involved in the examination and assessment of something like 60,000 individual claims in respect of every variety of war losses, presented by ordinary ex-burghers, "Protected burghers," British subjects, and foreigners (without counting many thousands of native claims and military receipts).

Complaints are often heard as to the delay in the payment of this or that claim, although, as has been shown above, enormous sums have already been disbursed.

But when it is borne in mind, that every one of these claims has had to be carefully examined by one or other of the numerous local Commissions, or, in the case of Fund No. 4, by military officers specially detailed for the purpose, before being submitted for review and final assessment to the Central Commission; that the claims, presented in a number of different languages, often by wholly illiterate persons, were frequently quite unintelligible, and the evidence supporting them difficult to get hold of or wholly unobtainable; and that the minutest scrutiny was necessary, not only to prevent downright fraud, which was often attempted, but to hold the balance even as between competing claimants for participation in limited funds, it is perhaps not surprising that it has taken nearly two years to get through the bulk of the work, and that it may even take as long as two years and a half, before the last account is finally disposed of.

Local Government.

As I have already stated, one of the principal measures passed at the first session of the Legislative Council was that providing for the establishment of Local Government.

Until the last months of the year 1903, the administration of the towns and villages of the Transvaal Colony was entrusted to provisional Councils and Boards appointed by the Government. This temporary arrangement has now been replaced by a permanent system of local self-government, and there are now in existence twelve Municipalities and twenty-three Urban District Boards, no longer nominated from Pretoria but chosen by the inhabitants of the towns themselves.

To grasp the full significance of this change it must be understood that the towns of the Transvaal before the war had scarcely attained in matters of local government to the point reached by English communities in the early middle ages. The municipal affairs of Johannesburg were entrusted to a body, partly representative, called the Stadsraad, subject to restrictions which greatly crippled effective administration. Something of the same sort existed in Barberton, while in one or two other places, Sanitary Committees were nominated from Pretoria. The Municipality of Potchefstroom, created by Sir Owen Lanyon, had been extinguished after the retrocession. There and elsewhere, services of a municipal character were dispensed with, or carried out, where absolutely necessary, by officials at the expense of the Government. Private citizens were excluded from opportunity of public service, so that the present administration found a country without a system, and a people without experience, of local self-government.

While the war was still in progress, Councils were nominated in Johannesburg and Pretoria, and Health Boards in many other towns of the Colony.

These bodies served a two-fold purpose. Matters of local administration, requiring local knowledge, were delegated to men better able to undertake them than any central Government. At the same time, the experience gained in the exercise of provisional powers was of great value in framing the Constitution of permanent authorities and the definition of their powers. It was thus possible to avoid the difficulties which would certainly have arisen from any attempt to apply suddenly a ready-made imported system of Local Government.

Special acknowledgment is due to the nominee Town Council of Johannesburg for the legislation which they prepared, at the cost of much labour, for the enlargement and definition of their own powers, and which was afterwards taken as the basis of the Municipal Corporations Ordinance and the Local Authorities Rating Ordinance. The report they produced on municipal franchise, after careful research into the legislation of other countries, both within and without the limits of the British Empire, was accepted as the basis of the Municipalities Elections Ordinance. A congress of representatives of the nominated bodies, convened by the Johannesburg Town Council to discuss the draft Ordinances before submission to the Legislative Council, was instrumental in making the Government acquainted with the wishes and advice of the communities immediately concerned. These three Ordinances and the Municipalities Powers of Expropriation Ordinance were submitted and passed by the enlarged Legislative Council during its first session.

The conditions under which Local government has been established in this Colony are, I believe, almost without example. I cannot call to mind any country where towns have been allowed to spring up without any machinery to meet the requirements of the community inhabiting them. Such primitive institutions as had struggled into life were swept away by the war, and left almost nothing behind

them. The present Government was left to create local institutions from the beginning; and yet, to meet the needs of the country, as well as to overtake the accumulated arrears of neglect, those institutions had in a few months to be brought to a completion which has only been reached elsewhere after years of constructive activity. It will be interesting to see how much or how little the purpose, entertained at their foundation, is fulfilled in after years.

For this reason, I propose to record briefly the policy upon which these measures were based.

With regard to the franchise, the principle proposed by the Johannesburg Town Council, and supported by the Municipal Congress, namely, that the basis of the franchise should be a wide one, was accepted without hesitation. The ownership of fixed property to the value of one hundred pounds, or the tenancy of premises of the assessed value of three hundred pounds or of the annual value of £24, was chosen as the basis of qualification. Taking into consideration the value of money in this country, it is scarcely possible for any citizen to be disqualified from voting through lack of the requisite property qualification. The Government, however, went beyond the recommendations of the local authorities in proposing to extend the franchise to aliens and also to coloured British subjects, who could pass a certain educational test. Their proposal with regard to the enfranchisement of coloured persons was the subject of strenuous opposition, and could only be carried by an appeal to the official majority on the Council. But whatever position the Administration might take as representatives of the Imperial Government, it was impossible to force upon the white population of this Colony a principle repudiated no less by the British inhabitants than by the Dutch. At the same time, they felt that it was impossible to deny the franchise to coloured British subjects unless this privilege was also withheld from aliens, although a strong body of opinion undoubtedly existed in favour of the alien franchise. It thus fell out that the original recommendations of the Johannesburg Town Council became law, in that the franchise, while including practically every male or female British subject, was not extended either to aliens or to coloured British subjects. It is difficult to imagine any external considerations which would justify the establishment of a franchise in opposition to the most deep-rooted sentiments of the white population, and I am of opinion that any alterations which may seem desirable should be left to an elective legislature to make.

The Municipal Corporations Ordinance provided for the establishment of local authorities and the definition of their powers. This, in the absence of any system of local autonomy, involved a division of administrative functions between the central Government on the one hand and the local authorities on the other.

It was resolved to extend the responsibilities to be laid upon the new local authorities to the utmost, so as to attract to their ranks the most capable men. It will be seen from an examination of the Municipal Corporations Ordinance, as it was subsequently passed by the Legislature, that the local authorities of this Colony are entrusted with some powers, for the possession of which Municipalities in South Africa and even in England have contended in vain. Interference on the part of the Government is practically limited to the powers of audit, which are based on those conferred on the Local Government Board by the English Public Health Act. I attach the greatest importance to this safeguard, because if the Legislature is asked to delegate powers of an extensive nature to local authorities, it is incumbent upon the Executive Government to secure that these powers shall not be exceeded; but I have never wavered in my belief that it was wise to encourage an unfettered activity within the limit of those powers.

I do not propose to enter here into the technicalities connected with the basis of local taxation. The Government acepted the principles of rating suggested by the appointed local authorities already called into existence, because those principles had been carefully adapted to the peculiar conditions of land tenure obtaining in this country. A difficult problem presented itself in the apportionment of revenue between the central and local authorities. It was decided on the one hand to assign to the local authorities certain revenues of a local character, such as land taxes and trade licences, as well as substantial assets in the shape of town lands, where such existed. On the other hand, it was determined to guard from the outset, as far as possible, against the growth of contributions in aid of rates out of taxation, because experience in England and elsewhere has shown that under representative institutions the tendency to relieve the ratepayer at the expense of the taxpayer is as dangerous as it is unnecessary. It can scarcely be doubted that one

of the principal safeguards against extravagance is absent when local authorities are entrusted with the expenditure of large sums of money and relieved from the odious responsibility of its collection. I am hopeful that the Government of this country will never depart from the principle, which it has been possible to initiate at the outset, of paying for works, the benefit of which is local, from revenues which are raised locally.

The older towns of this country are surrounded by extensive areas of lands, amounting, in the case of Potchefstroom, to over forty thousand acres, which were originally allocated as pasturage for the benefit of the inhabitants of the town. The owners of erven and agricultural plots in these towns enjoy the right to graze their cattle over these lands, which is in the nature of a servitude attached to the erven. It was determined to vest in the new bodies not only this servitude, but the freehold of the town lands as well, after reserving such sites as might be required for military cantonments and Government institutions. In this way, it was possible to place the local authorities of the older townships in possession of endowments of a valuable nature. It is unfortunate that in the case of Johannesburg and of other townships, more recently called into existence by the discovery of minerals, this most wise and salutary principle was forgotten. For these towns, no common-age was secured by the late Government and the land which might have been converted to the public inheritance has become the property of private owners, so that improved land values, which are the fruit of communal enterprise, are lost to these communities. Owing to circumstances, therefore, over which the present Government had no control, there is a great and regrettable inequality between the endowments which it has been possible to confer upon the older, as opposed to the younger, townships. It was seen, however, that an apportionment of endowments and revenues as between the central Government and local authorities, which did not yet exist when that apportionment was made, must be regarded as provisional. No arrangement could be considered as final until the new local authorities had been in existence for some little time, and until it was possible to estimate the extent of their requirements and the value of the revenues assigned to each. Now, however, a Commission has been appointed to investigate this question with a view to arriving at a just allocation of the revenues between the central and local Governments, and at an equitable basis of endowment for all local authorities. The subject is eminently one in which patient and exhaustive enquiry should precede decision, and it is hoped that the result will enable the Government to effect a settlement satisfactory to all parties and destined to be permanent.

The elections of the local authorities were distinguished by the temperate and orderly manner in which they have been conducted. Considering that hardly eighteen months had elapsed since the close of hostilities, it was remarkable how little racial feeling was manifested by the electorate, a large proportion of which had carried arms on one side or the other. While its presence in some instances cannot be denied, it was seldom the subject of intemperate expression. Local politics do not tend to arouse passions of this nature to the same extent as national politics, and upon many of the new bodies representatives of the Dutch and English races are working together with apparent harmony. I have every expectation that these opportunities for co-operation for the public welfare in matters which seldom touch upon national susceptibilities, will continue to be a powerful influence for the promotion of a good understanding between the two races.

I am glad to say that the urban communities have found their most capable citizens willing to submit themselves to the discomfort of public election and to devote their time, often to the sacrifice of their private interests, to the work of local government. It should not be forgotten that the members of these bodies have not only to drive but to construct the machinery of municipal administration. It is no light matter to put together a new organisation and at the same time to satisfy the too sanguine expectations of constituents, apt to think that roads can be mended and bridges built by the passage of a law. The duties borne by these bodies are out of all proportion heavier than those which fall upon the shoulders of the local authorities, who, in the older countries, guide a machine ready-made to their hand.

The labour involved by the definition of boundaries, hitherto provisional, by the framing of bye-laws, by the creation of sanitary and administrative departments, by the establishment of the native pass system, and by the compilation of valuation rolls will for some years to come tax to the utmost the energies of their most active citizens. The task which lies before them is to make towns in the proper sense of the word out of aggregations of houses left for years with hardly any kind of

public provision. Even during the last few months the progress made in many directions is noticeable. Streets have been cleansed and repaired, systems of sanitation have been established, the water-furrows, upon which many of the townsfolk depend for the irrigation of their gardens, have been cleansed, and the land returned to cultivation. In one or two of the remoter districts, some apathy has been shown, born of that intense individualism which in South Africa renders concerted action so difficult of attainment; but these cases are the exception, and are in contrast to the eagerness generally shown to make the local administration a vigorous reality, and to wipe away the traces of long-standing neglect. It is, of course, too early to found any definite forecast upon the experience of the last few months, but I feel justified in saying that the hopes which the Government entertained in entrusting to the towns of this Colony the responsibility of their own administration, have not so far been falsified by the results.

Education.

The reports of the Education Department are so exhaustive that I do not propose to do more than call attention to the fact that the work is expanding, and that gradually the conditions under which the teachers are called upon to do their work are vastly improving. Such improvement can only be gradual. Hitherto the school accommodation and the necessary conveniences have been indescribably bad and inadequate. The disabilities under which the staff have had to work cannot be exaggerated, and the spirit in which the difficulties have been met by inspectors and teachers alike has been altogether admirable.

There are now over 29,000 children in Government schools, which is more than double the number that at any time attended the schools of the late Government, and the number is steadily increasing.

So far the education in Government schools has been mainly of an elementary kind, but the establishment of a system of secondary education is proceeding apace, and the Government is considering a scheme whereby the establishment, control, and maintenance of secondary schools throughout the country may be provided by the joint efforts of the central Government and the local bodies, whether municipal or otherwise, and the Government may thus be relieved of a portion at least of the expenditure involved.

Native Affairs.*

It is satisfactory to know that the natives throughout the territory have adapted themselves quietly to the new order of Government. During the war the native tribes throughout the Colony became thoroughly disintegrated and unsettled; many of them had to be restored to their homes; a general disarmament of the native tribes throughout the country was effected satisfactorily; a tax of £2 per hut was imposed, and new systems were introduced in regard to taxation, passes and recruitment of labour. The wholesale reorganisation involved the introduction of new modes of administration, with which the natives were unfamiliar.

The war gave birth to the idea, which was generally accepted in the native mind, that the Boer farmers and landowners would no longer hold the same position in regard to the natives as they held before the war, and that the old position of master and servant would be altered. Every effort has been made to maintain the relative position of the races as it existed in past days, and every encouragement has been given to natives to return to their former landlords. The gradual resettlement of the natives has only been effected by the Native Affairs Department after great labour and the exercise of constant patience and tact.

I need hardly say that the most important consideration in regard to natives has been the question of labour. The matter has been so fully dealt with elsewhere that I do not propose to touch upon it, though it is interesting to observe the nature of the policy which has been urged upon the Government by old residents of the Transvaal.

General Botha, in his evidence before the Labour Commission, recommends a strict enforcement of the Squatters' Law, and the breaking up of all kaffir locations. The proposal to forcibly remove the natives from Swaziland, Basutoland, and Zululand would, in my opinion, certainly result in a disaster.

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* For the Report of the Commissioner of Native Affairs for the year ended 30th June, 1903, see No. 13 in [Cd. 2025].

In regard to the Squatters' Law, it is evident from past records that the late Government found its universal enforcement impossible, and, in my opinion, any such attempt would probably lead to serious unrest and trouble, and would certainly result in a very large number of natives leaving the Transvaal for adjoining territories.

The suggestion that all private locations should be summarily broken up and the natives removed to various parts of the country where labour is required means a violent infringement of the rights of the natives, and the establishment of a form of slavery which it is impossible for any Government to entertain. It does not appear that any serious attempt has ever been made in adjoining Colonies to carry out the provisions of laws similar to the Squatters' Law, and I do not believe that it could be successfully attempted in this country.

At a recent congress of Dutch farmers, held at Krugersdorp, the following resolutions in regard to native legislation were adopted:—

(1.) That the tax on adult natives living in locations and mission stations of sixteen years and above be raised to £5.

(2.) That natives living on farms who can prove that they are permanently employed, shall not be taxed more than 10s. per annum. Evidence of permanent employment to be produced by declaration under oath by master and servant.

(3.) That all natives on farms be registered, and the term and condition be mentioned.

(4.) That natives not registered be fined, as well as those who harbour them.

(5.) That the tax on all adult natives living on locations or on mission stations proving that they have worked as servants for at least six months in a year for a wage, be reduced to £2 10s. per annum.

(6.) That all native locations be surveyed in stands, and each native be confined to his holding and brought under proper sanitary regulations.

(7.) That all natives in this Colony be properly clothed.

(8.) That natives will be allowed to make kaffir beer, but that a licence to do so shall be required; such licence to be under proper restrictions, the number of natives being considered.

(9.) That the Squatters' Law be strictly enforced.

(10.) That no natives be allowed to buy or hire ground.

(11.) That Magistrates be appointed over native locations to administer the law and to regulate revenue and sanitary matters.

These resolutions are interesting as an indication of the lines upon which, in the opinion of the agricultural community of the Transvaal, legislation affecting natives should be drafted.

Revenue Departments.*

Reports are attached from the Departments under the executive control of the Treasury. They are divided into two periods, viz., from January 1st to July 1st, 1903, and from July 1st, 1903, to date. I have not obtained a report from the Auditor-General, as I saw no reason to anticipate the report which it will be his duty to make on the finance accounts of the Colony at the end of the financial year.

The Customs report shows for the eight months up to 29th February, 1904, a total value of imports (inclusive of Government imports) amounting to £11,079,584, as compared with £13,988,801 for the same period of 1902-3. This difference, however, is not to be accounted for altogether by the prevailing depression. It must be remembered that the imports for 1902-3 were swollen by reason of the restocking of the country after the war, and that the present year is suffering from an over-accumulation of goods in many quarters. In view of all the facts the figures are by no means disappointing, and the appearance on the list of exports of products other than gold, to very considerable amounts, is a hopeful sign of the beginning of recovery from the disorganization consequent on the war.

* Papers regarding the finances of the Transvaal are printed separately in [Cd. 2102].

The Post Office statistics also show a remarkable stability, in view of the unusual depression which has prevailed in business of all kinds throughout the year. It is certain that a revival of business activity would cause a rapid expansion in Post Office work, more especially in the telegraph service. The Savings Bank returns, however, show clear traces of the long continued depression. During the first quarter (July to September inclusive) the deposits amounted to £427,580; for the second quarter they amounted to £350,462; and for the third to £306,832. For the same period the withdrawals amounted to £216,985, £315,600 and £320,358 respectively. It is interesting to compare the statistics of Post Office work with those of the period before the war. The number of mail articles dealt with during the current year will be more than treble the number dealt with in 1898. Savings Bank accounts open on 31st December, 1898, numbered 12,544, and the amount due to the depositors was £322,130, as compared with 33,746 on 31st March, 1904, with a liability to depositors of £914,895. On 31st December, 1898, there were 5,715 miles of telegraph wire in use, as against 9,308 on 31st March, 1904, and the total number of messages dealt with during 1898 was 2,384,571, as against 2,699,946 during the first three quarters of the current fiscal year. Telegraph business, however, will show a rapid expansion on the return of more active business conditions.

The revenue for the first three quarters (ending 31st March) amounted to £3,396,422 19s. 9d. This represents the ordinary revenue of the Colony, and does not include extraordinary receipts, such as the payment from Natal in respect of the ceded territories. During April the collections were approximately £380,000. It is therefore probable that the receipts for the whole year will be fairly close to the estimate of £4,500,000. The Customs revenue, as far as can be foreseen, will practically realise the estimate of £1,800,000. Mining revenue will show a small shortfall, owing to the diminished receipts from claim licences and to a slight shortage on the profits tax. The shortage in claim licences is directly due to the financial depression, which causes the weaker holders of claims, or the holders of claims of doubtful value, to abandon them rather than continue payment of licences. The shortage in profits tax is due to the fact that the industry has been working throughout the year at much below its normal rate of production. At the same time the deductions for amortisation allowed by law are at the normal rate, and, therefore, bear an abnormally high percentage to the profits realised. This is, of course, not a final loss to revenue but only a temporary postponement, as the amount allowable for amortisation on any mine is a fixed quantity.

The only other item of revenue which is likely to show serious falling off as compared with the estimates is transfer duty. The receipts under this head for 1902-3 were swollen by the payment of duty on the accumulated transactions of three years. Either these have now been worked off or transfer is being delayed in hopes of a return of better times. The latter cause vitally affects current receipts also, as in the present state of the market no one will take transfer of speculative purchases if he can afford to postpone it. The deficiency under this head will be compensated for by a large increase in the receipts from various sources of revenue, which, in the estimates for the current year, were classed together as miscellaneous, but which it will be possible to separate and to forecast more closely in the future.

The estimated expenditure for the year was £3,588,896, exclusive of the contribution to the revenue of the Inter-Colonial Council, which was expected to amount to £600,000. In view, however, of the deficiency in railway revenue which has taken place, it appears that the amount to be provided by the Transvaal for this purpose will be about £900,000. The other heads of ordinary expenditure will correspond very closely to the estimates. Under certain heads there will be supplementary estimates, but on others there will be savings. I cannot yet give accurate figures, but I do not anticipate a greater deficit as between ordinary revenue and ordinary expenditure (including the increased contribution to the Inter-Colonial Council) than £100,000. This calculation leaves out of account the payment of £220,000 to the Hatherley Distillery Company as compensation for their concession. That payment has throughout been treated as extraordinary expenditure for purposes of comparison, though it is, in fact, being provided for out of revenue, and will accordingly reduce, *pro tanto*, the revenue balances which remained in the hands of the Treasury at the close of last financial year, and which have been carried to an account called the "Consolidated Revenue Fund." On the other hand, I have

also left out of account the payment by Natal of the sum of £788,592 in respect of the ceded territories and of liabilities in connection with the Dundee-Vrijheid Railway. Of this sum £286,490 remains as a debt from Natal for a period of two years from the 1st of December last, bearing interest at 3 % (three per cent.). In our accounts the whole amount appears as having been paid over, the outstanding balance being treated as an advance to Natal, as, in strictness, it is. Unless this money is to be devoted to some special purpose it will go to swell the Consolidated Revenue Fund, to which surpluses on revenue account are carried, and from which deficits on revenue account will have to be met. Under present circumstances, while the future is so uncertain, that, in my opinion, is the best method of disposing of it.

Lands and Agriculture.

The establishment of a Lands Department was effected by the passing of an Ordinance in November, 1902, whereby the Lieutenant-Governor was empowered to form a Lands Department and to appoint a Commissioner of Lands. The latter office was not filled until March, 1903.

Prior to the assumption of this office by Mr. Jameson, the work of the Department had been carried on by a Board, which was appointed in December, 1901, composed of gentlemen familiar with the agricultural conditions of the Transvaal.

The acquisition of land for the purposes of settlement; the establishment of squatter settlers; the importation of cattle for the restocking of the country; the institution of various sub-divisions to deal with such subjects as horticulture, forestry, entomology, botany, chemical and bacteriological research, dairy-farming, veterinary work, stock breeding and poultry farming, these were among the functions of the Board. The mere recital of these enterprises will give some idea of the magnitude of the work and the expenditure which was necessarily involved.

Of the Guaranteed Loan a sum of £1,200,000 has, so far, been appropriated to land settlement in the Transvaal. The bulk of this sum had already been spent or set aside for liabilities incurred before the present Lands Department came into existence.

About £500,000 was devoted to the purchase of land, £250,000 (approximately) was expended in the acquisition of live stock and equipment, and in loans and advances to settlers.

The whole of the above may be classed as recoverable. The irrecoverable expenditure amounted to about £200,000. A full account of this expenditure, which was of a very miscellaneous character, is contained in the General Administrative Report for 1902-3 (Enclosure II.). It was, in the first instance, defrayed out of the grant of £5,000,000 for "Relief and Resettlement," made by His Majesty's Government in 1901, and since repaid out of the Guaranteed Loan.

Further liabilities still outstanding, which were incurred on account of loans to settlers, land purchases not yet completed, and liabilities to the Repatriation Department amount to £150,000, so that practically when the creation of the existing Lands Department was consummated by the appointment of a Commissioner in March, 1903, there only remained for land settlement purposes a sum of about £100,000, of which a balance of £78,000 still remains in hand.

Detailed statements of the expenditure incurred on account of the Lands Department from the 1st July, 1901, to the 31st March, 1904, are attached to this report (Enclosure 28).*

I do not propose to go into any details of the work of the Department, as they are embodied in the various reports, which are forwarded herewith, but I should like to emphasise the great administrative stride which has been taken by this Government in the constitution of an efficient Department to deal with agriculture and lands.

The conditions in which records, titles, &c., were left by the late Government can only be described as chaotic; they are now being rapidly put in order, and the work falls partly on the Registrar of Deeds and partly on the Commissioner of Lands. It will give some idea of what is being done in this direction when I mention that I have already signed some 1,500 title deeds and over 6,000 now await my signature.

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* Not printed, but see page 185.

Scientific agriculture has hitherto been unknown in the Transvaal—I might almost say in South Africa. We have now in the service of the Government a number of experts who combine profound scientific knowledge with practical experience and training gained in every part of the world. They control the various sub-divisions which I have already enumerated in connection with scientific agriculture, and I am confident that the results of their investigations and research and of their practical experiments and expositions will be to raise the standard of scientific, therefore successful, agriculture in the Transvaal to a hitherto undreamt of degree.

The work of organising this Department has been most laborious during the past 15 months, and while the work has been increasing and while I am convinced that the efficiency of the Department has grown with the growth of the labours devolving on it, it is most satisfactory to know that owing to an improved system the cost of administration has been enormously reduced. Meanwhile I would only say that the Government is determined to adopt a progressive policy in developing the agricultural and pastoral industries of the country.

Public Works.

From the statistics in connection with public works it will be seen that an enormous amount of work has been done all over the country during the past year, but it is no exaggeration to say that it does not represent one-tenth of what is urgently needed.

The miserable condition of the roads throughout the Colony; the inadequacy of the public buildings; the almost total lack of accommodation for Government officials and police; the want of schools, hospitals, asylums, and gaols, render necessary the undertaking by this Government of innumerable public works, if the business of administration is to be carried out under ordinary civilised conditions. Sixty-five schools have been built, and many others are approaching completion; sixty-two hostels and quarters for teachers in connection with these schools have been provided, and teachers' quarters will shortly be added to all farm schools.

Three orphanages have been established or are in course of construction; district hospitals have been established in all urban centres; some of these can only boast accommodation in tents, but for the most part they are in permanent or semi-permanent buildings. In all of these, however, improvements and enlargements are urgently needed. During the past year considerable additions have been made to the Pretoria Hospital, but in Johannesburg and other towns much has still to be done.

A new lunatic asylum, equipped with every modern improvement, is in course of erection at Pretoria. It is estimated that the cost will amount to £180,000. Pending its completion, the present needs for increased accommodation have been met by additional structures of a semi-permanent nature. New wards and quarters have been built at the leper asylum to meet in some measure the ever increasing demands of that institution.

A new prison is about to be built at Pretoria, at an estimated cost of £150,000; meanwhile, a considerable expenditure has been incurred in providing temporary cells both at Pretoria and Johannesburg, to relieve the overcrowded state of the existing permanent buildings; while in five other towns the gaols have been completely restored or new ones built.

The problem of housing the police and prison officials has been met in a large measure by the erection of semi-permanent buildings, while at Pretoria and Johannesburg a considerable number of cottages for married and quarters for single warders have been built during the last year. New police barracks are now being erected at Pretoria at a cost of £37,000, and barracks, married quarters and stables are in hand at four centres on the Rand.

The Government Offices throughout the country have been for the most part thoroughly restored. In many country towns this has practically meant rebuilding owing to damages sustained during the war; twenty-eight residences have been completed for Resident Magistrates and other civil servants; and several others are required, and will shortly be put in hand.

The South African Constabulary are now provided with excellent permanent barracks at all headquarters, and in the country their requirements are met by temporary but serviceable buildings. Up till the present time this work has been done under the management of the Inspector-General of the South African Constabulary, but it will, in future, be under the control of the Public Works Department.

The expenditure on roads has been £216,000. This large expenditure may be accounted for in a great measure by the fact that from July to December, 1903, daily employment was given to from 2,000 to 3,000 indigent burghers at rates far exceeding those ordinarily paid to natives, who in normal times are exclusively used for this work. During the period under report upwards of 1,000 miles of road have been put in order and over 200 drifts have been thoroughly repaired.

The expenditure on bridges has been £22,400. This sum includes the cost of the steel work for several bridges which are to be put in hand at once, besides those already commenced. Of the nine bridges in hand or commenced after 1st July, 1903, three have been completed, while the remainder will be open for traffic about the end of June, 1904.

Plague.

The advent of plague at Johannesburg was not unexpected, and had been prepared for. Plague-infected rats had been discovered at intervals between May, 1903, and March, 1904.

The Medical Officers of Health for the Transvaal and Johannesburg more than twelve months ago selected a site for a plague hospital and a camp for persons suspected to be suffering from plague, and arrangements were made for occupation within a few hours. Therefore, on the 20th March, when the first cases were discovered, all was ready to start the plague camp at Rietfontein. This was immediately done.

Plague is known to have been present in Johannesburg since the second week in March. Since then there have been on the Witwatersrand 22 white cases, of which 10 have died, 7 are still under treatment, and 5 have recovered; 4 coloured cases, including Malays, of which 2 have recovered and 2 are still under treatment; 57 Asiatic cases, of which 54 have died, 1 is still under treatment, and 2 have recovered; 48 native cases, of which 22 have died, 8 are still under treatment, and 18 have recovered. This gives a total of 131 cases, 86 deaths, 27 recoveries, and 18 under treatment.

Four cases occurred in the town of Pretoria, two in the hospital, both of which terminated fatally, and two in the town, both recovered. The latter were isolated at the Lazaretto, which had been prepared for such an emergency. No infected rats were found in Pretoria until after the occurrence of the first of these cases.

At Zuurfontein deaths from plague occurred on the 24th, the 28th, and the 29th of March; they were connected with the Johannesburg epidemic, and the patients were Asiatics. Their habitation, a hut, was destroyed, and no other persons suffered.

Two deaths from plague occurred at the Colliery, Witbank, on the 5th of April. The labourers were all carefully examined by Dr. Kerr Muir, and suspects were isolated, but no other persons became infected.

The management of plague at Johannesburg is in the hands of Dr. W. C. C. Pakes, the Medical Officer of Health, Dr. C. Porter, being laid up with an attack of typhoid. Dr. Pakes has under him four medical men who have all had experience of plague, either in India or at Cape Town, besides six others who are employed in hospitals, &c.

Preventive innoculation is performed gratuitously on all who desire it.

The Medical Officer of Health for the Transvaal attends the meetings of the Rand Plague Committee, and his advice is obtained at all times, when necessary.

Cases outside Johannesburg are enquired into and the necessary precautions are supervised by the Medical Officer of Health for the Transvaal, who has under him two medical men who have had extensive plague experience.

The preparations which had been made in anticipation of the advent of plague enabled the medical and municipal authorities to deal promptly with the outbreak. The measures taken by them have prevented its spreading to any alarming degree, and it may fairly be said that it is now well under control.

The labours of the Plague Committee and the Medical Officers concerned have been very heavy, but have resulted in minimising the evils of this terrible scourge. That the perils of a great and calamitous epidemic have been averted is due to the intelligent and efficient manner in which the authorities concerned set themselves to cope with the threatened danger, and their action reflects on them the greatest possible credit.

Civil Service.

The work which fell on all Departments was, after the termination of hostilities, inordinately heavy. The general resettlement of the country and the necessity of initiating a system of civil administration involved the prompt introduction of some machinery to deal effectively with various emergencies as they arose, and to carry on the work of government.

It was impossible in such hasty organisation to avoid a certain overlapping, and a certain over-growth of Departmental Staff. The extraordinary pressure of work has in some directions been relaxed, and it has been possible to readjust the system of what I may call provincial administration. A consolidation and co-ordination of the various Government Departments is being carried into effect, and I hope thereby to arrive at a great economy in the cost of Administration without any loss of efficiency to the service.

The process must inevitably cause a certain amount of hardship to individuals, but the Government has no other alternative than to make a large reduction in the number of its officials. In our selection of those whose services are to be dispensed with, we can only be guided by the consideration of which officials can best be spared without loss of efficiency to the Administration.

It is to be regretted that men who have served the country well should be called upon to find employment elsewhere, but the course, though most distasteful to me, is the only one which in view of the financial condition of the Colony it is possible to follow.

I regret that the time at my disposal for the preparation of a summary of the work of the past 15 months has been so brief that I have only been able to deal superficially with some of the main subjects of Administration, but the various reports which are attached will be found to be exhaustive. From them it will appear that the work devolving on the Civil Service has been great. I am glad to say that it has been carried out in a spirit of unwavering loyalty and zeal.

I have, &c.,
Arthur Lawley,
Lieutenant-Governor.

His Excellency
The Right Honourable
Viscount Milner, P.C., G.C.B., G.C.M.G., &c., &c.,
Johannesburg.

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No. 1.

BARBERTON.

Office of the Resident Magistrate,
Barberton, 27th April, 1904.

Barberton District Intermediate Report, Period from July 1st, 1903 to March 31st, 1904.

GENERAL REMARKS.

This district is the most southern of the three eastern magisterial divisions of the Transvaal Colony. It is bounded on the east by the Anglo-Portuguese frontier, on the south by the Swazieland boundary, on the west and north by the Carolina and Lydenburg Districts. The total area of the district is about 4,463 square miles. About two fifths of this area lying between the Sabie and Crocodile Rivers forms part of the Transvaal Game Reserves and is chiefly low bush veld. The district boundaries are at the moment under re-adjustment, chiefly with the view of bringing into the Barberton district certain farms and blocks of Government land and the new White River Settlement, which are more accessible administratively to Barberton than Lydenburg. The Barberton district presents a great variety of natural features and the scenery is generally beautiful, a large area in the west being covered with rugged mountain ranges, the summits of which approach to an altitude of 6,000 feet, whilst the eastern half of the district is low veld, varying in altitude from 600 feet at Komatie Poort to about 1,000 feet at Hector Spruit. There is consequently a great variety of climate, snow not being unknown on the highest hills and intense heat being common in the low veld.

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* Colonial Office Note.—The Enclosures to these Reports of Magistrates are not printed.

The whole district south of the Crocodile River is a proclaimed public diggings. In the western part lie the De Kaap Gold Fields and Tin Mines, in the eastern is the coal field. Formerly the highlands afforded fine pasture and facilities for cattle rearing, and were much frequented by trek Boers for winter grazing. The hill tops are clear of bush, the kloofs provide good forest timber. The low veld is bush-covered and contains many valuable trees. The district is watered by the Sabie, Crocodile, Komatie, and Lomatie Rivers and their tributaries. Arable land suitable for farming and fruit cultivation is chiefly found on the borders of these rivers and in the Kaap Valley on the sides of their affluents—the Queens, North Kaap and South Kaap Rivers.

The population of the district is estimated at :—

Whites	1,700
Natives	15,000

Barberton, the chief town of the district is pleasantly situated on the lower slopes of the mountain range at an altitude of 2,870 feet, it is 328 miles distant by rail from Johannesburg (23 hours), 283 miles from Pretoria (21 hours), and 120 miles from Lourenço Marques (9½ hours).

Barberton sprang into existence about 1885. In 1875 gold was discovered and in 1882 alluvial diggings became extensive. In 1886 a rush took place and the white population at that time was estimated at about 8,000 souls. Many of the companies and mines proved to be worthless or unsound and the discovery of the Rand gold fields drew away the population which to-day does not number more than about 1,000 whites. The natural mineral wealth of the district is undoubted and there is a decided tendency at the present time towards further efforts for its development.

The mean shade temperature during the summer months is 85° to 90°, during the winter 60°.

The annual rainfall is about 34·239.

The deforesting of the hills beyond the town has affected the water supply of the town and there is a scarcity of water in spite of the money spent in obtaining an augmentation of the water supply during the winter months. With any large addition to the population of the town a further supply of water must be provided. There are various schemes for bringing water to the town which have been considered by the Water Commission. Like many important questions in the district this one has to stand over till times improve. Living is at present very expensive at Barberton and cheaper railway rates much required in the interests of the development of the district.

In summer malarial fevers are prevalent and assume a serious form in the low veld. During the period under review there have been a few cases of black water fever at Komatie Poort, Nelspruit, and Nomahasha.

One newspaper, the "Goldfields News," circulates in the district and has its office in the town.

There are four churches—the Anglican with a resident clergyman, the Dutch Reformed in which occasional services are held but without a resident minister, the Wesleyan Chapel with a resident minister, the Roman Catholic Chapel without a resident priest. A new Government school is nearing completion.

The ground set aside for the Coronation Park has been planted during the last few months. An attempt to beautify the town by planting some of the streets and roads did not meet with public favour and had to be abandoned. The slopes behind the town have been sown with black wattle and other seeds which are showing up well.

During the period dealt with a municipal council has been elected and taken over the functions of the Health Board and Resident Magistrate in respect of municipal affairs, sanitation, and water.

The Health Board with the assistance of the assistant district engineer of the P. W. D., Mr. Hancock, and with the aid of a loan from Government of £4,500 for drains and roads, has completed a drainage scheme which will be of the greatest benefit to the town. After an expenditure of £4,341 6*s.* 6*d.* the Health Board had handed over to the municipality a balance on hand to the credit of this loan £158 13*s.* 6*d.* and about £440 worth of crushed stone and road material. The condition of the roads and streets still requires considerable repairs before they are in a satisfactory condition.

There is a general commercial depression in the town and district amongst traders and storekeepers.

There is a weekly market on Saturdays.

There is a large and substantial gaol (*vide* p. 31 of this report), and an excellent civil hospital (*vide* p. 33 of this report). A new Asiatic location has been laid out, but present Indian occupiers of stands have been permitted to continue their residence in the old Coolie location. This has been much improved by the erection of better buildings, and by exacting attention to cleanliness, order, and the fencing of stands.

The chief pressing requirements of the town are :—

1. Public buildings in which to house the various Government Departments scattered through the town, and a circuit court.
2. Improved roads.
3. An augmented water supply.
4. The lighting of streets.
5. A native location.

Kaapsche Hoop (altitude 5,800 feet, mean rainfall for six years 50·90 inches) is the oldest township in the district, and was once the centre of a fairly prosperous alluvial gold field. There are one or two important gold mines in the proximity, but the place is lifeless and has a deserted appearance. Arrangements are being made for a resident justice's jurisdiction in the neighbourhood.

Komatie Poort.—Altitude about 600 feet, is a customs station, 78 miles by rail from Barberton, close to the Portuguese frontier. It formerly bore a somewhat unenviable reputation. The township has been surveyed and proclaimed, and on the 9th of May a large number of erven are to be put up for sale. A commission has recommended that certain beneficial occupiers of erven shall be allowed the option of purchasing erven they occupy at upset prices, plus a percentage equal to the average price obtained for the erven offered to the public over and above the upset price. A great improvement in the general appearance of the place has marked the period under review. This will be still more marked when the residents acquire titles to their holdings. Arrangements have been made to constitute an urban district board ; hitherto the resident magistrate has administered the town sanitation and water supply. A monthly periodical court of resident magistrate is held, and a resident justice of the peace has been appointed. The proclamation of the coal-field is expected to do something to remove the depression existing amongst traders and others in the town. The white population of the town is about 170, of which something like 120 are employed by the C.S.A. Railway. The place is most unhealthy, and the whole population suffers severely from fever. There is little doubt that a spruit adjoining the railway emplacement, in which water and sewerage stands stagnant, is one of the causes of the prevalence of fever. Attempts have been made to induce the railway company, whose employé's and interests are chiefly at stake, to undertake the drainage of this donga, but so far without success. The people of the town are in no position at the moment to undertake a contribution to this expense.

Since 1st July, 1903, a resident magistrate's court house, a post office, a railway institute, and a detention hospital and a club house have been erected ; an avenue of pepper trees has been planted.

Steynsdorp (altitude about 3,000 feet) is 85 miles from the railway at Wonderfontein, and is only accessible from Barberton by a bridle path over a very mountainous country. The distance from Barberton is about 40 miles. The town was destroyed during the war, has not been rebuilt, and is now practically abandoned. Steynsdorp is the centre of the Komatie goldfields, and the mineral wealth of the neighbourhood awaits a development that can only be achieved by improving communications.

Avoca, *Eureka City*, *Fairview*, and *Jamestown*, are the other villages which have sunk into insignificance or nearly disappeared with the depression in the mining industry.

Nelspruit is a hamlet possessing an hotel and store adjacent to the railway station of the same name.

Food Stuffs.

This district is entirely dependent on imports for its food supply. A very small area of the district is under cultivation.

The area of the district is about 2,856,320 acres, or 4,463 square miles, of which the Government holds some 3,500 square miles.

Cereals, Fruit, &c.—I estimate that there are :—

5,755 acres under mealies,
1,147 „ „ kaffir corn,
325 „ „ barley,
784 „ „ fruit,
377 „ „ vegetables.

I estimate that there are outside the game reserve :—

111,920 acres fit for grain cultivation,
1,830 „ „ fruit „

and that about 100,000 more acres might be rendered fit for cultivation.

Prices.

The following are the average prices of the foodstuffs grown :—

Mealies	per sack	20*s.* to 25*s.*
Kaffir corn	„	6*s.* to 20*s.*
Oat forage	per bundle	1*s.* 3*d.*
Potatoes	per 70 lbs.	18*s.*
Fruit	per 100 lbs.	5*s.*

The fruit grown is of very good quality ; oranges, lemons, limes, naatjes, grapes, melons, bananas, plantains, guavas, paw-paws, avocado pears, peaches, apples, plums, quinces, pineapples, mangoes and loquats all do well here.

The seasons being earlier here and the climate warmer than the rest of the Transvaal, the fruit and vegetables from this district command the top prices in the market.

Live Stock.

Tick fever and other cattle diseases have destroyed entirely the supply of fresh meat.

Should this district ever get rid of the present scourges that afflict all descriptions of live stock, there is from 800,000 to 1,000,000 acres of excellent pasture land available.

The prices of meat and poultry are as follows (the meat practically being all frozen and imported) :—

Beef and mutton	about 1*s.* per lb.
Fowls	3*s.* 6*d.* to 5*s.* each.
Ducks	6*s.* to 7*s.* „
Turkeys	20*s.* to 24*s.* „
Eggs	3*s.* 6*d.* to 5*s.* 6*d.* per dozen.

I estimate the import of foodstuffs into the district as follows :—

		lbs.
Flour	per month	60,000
Mealie Meal and Millet	„	100,000
Mealies	„	65,000
Wheat	„	250
Biscuit	„	3,000
Bacon	„	9,500
Preserved Meat	„	5,000
Cheese	„	2,400
Coffee	„	2,000
Tea	„	700
Sugar	„	31,000
Salt	„	350
Pepper	„	100
Jam	„	2,000

The reasons for the slow development of agriculture and a home supply of foodstuffs I ascribe to :—

1. The general depression existing and the impoverishment of the people consequent on the war.
2. The terrible scourge of tick fever amongst cattle and horses, sickness amongst horses and mules, and the consequent absence of tillage animals and transport.
3. The discouragement to intending settlers through the conflicting interests of the Land and Mines Departments, which prevents farmers obtaining titles to their farms.
4. The delay in paying compensation claims to ex-burghers who are unable to re-start farming from want of capital and stock.

OTHER PRODUCE.

Tobacco.—Parts of the district are admirably adapted for the cultivation of tobacco. That which is already grown is considered as good as any in the colony. With capital and expert assistance there is no doubt that tobacco growing would prove a profitable industry.

Agricultural wages.—No European labour is employed on farm. Native labour is obtainable at about 30*s.* a head per month.

RAILWAYS.

The C.S.A. Railway traverses the district from west to east along the valley of the Crocodile River, and a branch line to Barberton joins the main line at Kaapmuiden.

With the exception of the abandoned Selati railway between Komati Poort and Sabie Bridge there is no other railway in the district.

The improvements required are principally—

(1) Improved rolling stock for the accommodation of passengers.

(2) Third-class fares and carriages for whites would be a boon to the poorer sections of the community.

(3) Improved refreshment service and waiting rooms at the principal stations.

FORESTS.

A large area of the district is rich in valuable timber, and if care is taken the supply with very little trouble could be made inexhaustible.

The game reserve effects the double purpose of a sanctuary and stocking ground for game and a reserve of natural timber.

GAME RESERVE.

It is hoped that the formation of the Game Reserve will secure the last surviving representatives of the larger species of game in this district from extinction.

There is in the Reserve a small stock of giraffe, elephants, and buffalo, and a fair stock of wildebeeste, Burchell's zebra, waterbuck, kudu, reed buck, and a good stock of impala and smaller antelopes.

The Game Warden, Major Hamilton, has been appointed lately a Resident Justice with jurisdiction in the Reserve. His office is at Sabie Bridge.

There are a few hippopotami in the Crocodile, Komati, and Lomati Rivers, which are being protected as far as possible. Outside the Reserve big game is generally scarce and requires protection for some time to come; small buck, such as reed buck, rooi rebuck, vaal rhebuck, steinbuck, and duikers are plentiful in some parts of the district.

Partridges and francolin and guinea fowl are plentiful in some localities.

MINES.

This district has shared in the general depression of the mining industry.

Exhaustion or want of capital has affected the development of the mineral resources. The cost and difficulty of obtaining native labour is great, and intemperance affects the efficiency of a considerable number of the white employees. The principal producing mines are:—

		Boys.
(1)	The Sheba	Employing about 1,200
(2)	„ Ivy	„ „ 300
(3)	„ Worcester (Kentish Mine) ...	„ „ 350
(4)	„ Clutha	„ „ 180
(5)	„ Barretts	„ „ 150
(6)	„ Coetzeestroom	„ „ 150
(7)	„ Andrews Cyanide Syndicate ...	„ „ 36

Systematic development is being pursued at:—

(1)	The Great De Kaap	With about 100
(2)	„ Abbeville	„ „ 36
(3)	„ Three Sisters	„ „ 70
(4)	„ North Sheba	„ „ 16
(5)	„ Central Montrose	„ „ 75
(6)	„ Sheba Queen	„ „ 20

The following mines are not working, but may be expected to be started with any revival in mining:—

(1) Fortuna.
(2) Scotia.
(3) Thistle.
(4) East Sheba.
(5) Woodstock.
(6) Joe's Luck.
(7) Elephant's Kloof.
(8) Pioneer.
(9) Consort.
(10) Cuadro Consolidated.

Fresh discoveries of gold-bearing ground are reported, as also of tin and other minerals. The general tone in regard to mining prospects in the district is more hopeful than a year ago.

For the agricultural development of the district the following are the chief requirements:—

(1.) Irrigation.
(2.) Greater and simpler facilities for acquiring land.
(3.) Settlers with agricultural experience and capital.
(4.) Inducements to natives to cultivate and grow mealies in localities unsuited for Europeans.

(5.) Security against stock diseases.

(6.) Cheap railway rates and fast service for the conveyance of agricultural produce to Pretoria and Johannesburg.

(7.) Improved roads for steam traction.

(8.) The introduction of camels for transport purposes in the absence of oxen and mules.

(9.) An improvement in the breed of donkeys.

(10.) Importation of African breeds of sheep suitable to the country and climate.

EUROPEAN TENANTS OF CROWN LAND IN THE DISTRICT OF BARBERTON.

Actual occupiers of farms	26
Trek Boers who formerly, before the war and cattle diseases broke out, occupied for winter grazing...	26
Absentee tenants, storekeepers, and speculators	32
	84

LANDS SETTLEMENTS.

The White River Settlements is the only experiment on a large scale yet undertaken. Those who have taken up holdings at White River under the Government scheme number about 60, of which some 12 are old residents in the district. A village (184 erven) has been laid out, pleasantly situated ; a school has been built and is being attended by something like 30 children. Several cottages are in course of erection ; 25 holdings have been laid out, of 100 which will be given out. Later several hundred more will be made available. The holdings vary from 50 to 120 acres in extent.

A large area of " common " will be reserved for communal grazing.

Native labour is available in the neighbourhood.

The water supply is ample and the irrigation scheme is being proceeded with.

The railway station at Nelspruit is accessible by road and is 12 miles distant.

The bridge over the Crocodile River will soon be completed.

The place is within 24 hours of the most important markets in the colony.

The soil, climate and water supply are all favourable to agricultural, fruit and ostrich farming.

DISEASES OF STOCK.

This district continues to suffer terribly from diseases, and there are very few cattle, sheep, horses, and mules now remaining alive.

Outbreaks of tick fever continue in spite of the strict enforcement of regulations ; the whole district is an " infected area."

Cattle.—There have been during the period under review (July 1st, 1903, to March 31st, 1904) some 24 fresh outbreaks of Rhodesian tick fever reported.

The herds of natives which escaped more or less in the earlier periods have now in many places become infected.

Sheep.—There are scarcely any sheep now in the country.

Horses.—I estimate the number of horses in this district as having been on July, 1903 (first), about 350 ; of these, the South African Constabulary have reported to me 108 as having died of horse sickness between October 1st, 1903, and February 29th, 1904 (in five months), and these figures are probably not complete.

Mules.—The mortality has been as great amongst mules from the same cause, sickness ; 56 cases of death from this disease during the same five months have been reported to me by the South African Constabulary (October 1st, 1903, to February 29th, 1904).

Donkeys.—The mortality amongst imported donkeys has been very great. They have died of a similar disease as that which afflicts horses (not horse sickness), a form of biliary or malarial fever. Many cases have been diagnosed as "pyroplasmosis." A kind of "hoof rot" has destroyed a considerable number of donkeys.

Poultry are also subject to various diseases.

LAW AND JUSTICE.

Appended are statistical tables relating to the disposal of criminal and civil cases in the Court of the Resident Magistrate of Barberton, *see* below.

The returns for the Resident Magistrate's Periodical Court and the Resident Justice of the Peace's Court at Komatiepoort are not at the moment available.

POLICE.

In spite of the difficult nature of the country, the miserable quarters allotted to the Force, and the great amount of sickness among both men and horses, and the inexperience of many of the police, the South African Constabulary have performed a great number of useful services beyond mere police work ; amongst these I might name :—

1. Work in connection with the census.
2. Collection of agricultural statistics.
3. Rough census of the native population.
4. Compilation of a postal guide.
5. Issuing native passes.
6. Collection of statistics of native live stock.
7. Locust destruction operations.
8. Post office duties.
9. Fire brigade services.

The strength of the South African Constabulary in the district, exclusive of the eastern frontier guard, on the 31st March, 1904, was as follows :—

Three officers—District Commandant, Captain Slatter.
Lieutenant Clarke Kennedy.
Lieutenant Glenny.

Non-commissioned officers and men on duty	54
,, ,, ,, sick	12
Total white strength	66
Native constables	29

BARBERTON GAOL. REPORT FOR THE PERIOD 1ST JULY, 1903, TO 31ST MARCH, 1904.

In my report for 1902–3 I described in detail the accommodation at this gaol.

It will suffice to remark that there is accommodation, in two main wings containing each nine associated wards, for 126 males, hospital accommodation for 16 males, and three cells or wards enclosed in a separate yard for female prisoners.

The following are the particulars of the number of prisoners and prison staff :—

In prison 1st July 1903	103
Admissions	341
Total	444

Discharges	287
Transferred to other prisons	110
Escaped and re-captured	—
Died	1
In prison on 31st March, 1904	46
Total	444

Daily averages in gaol for above period :—

European prisoners	11
Native „	60
Total	71

The total number of prisoners in gaol on 31st March as shewn above was 46.

The number at date of writing is :—

European	61
Native	28
Total	89

The Staff on 31st March, 1904, consisted of :—

Gaoler (absent on leave).
Matron.
Head warder in charge.
European warders, five.
Native warders, three.

NEW WORKS.

No new works have been carried out during the period. Plans for punishment cells have been approved but the work has not yet been taken in hand.

Repairs.—The interior has been repainted throughout by prison labour.

Accommodation for awaiting Trial Prisoners, detained Witnesses, &c.—I have reported frequently on the necessity for providing separate accommodation for this class, but owing to expense it has been impossible to erect the necessary buildings in this year. I have done the best I could for these prisoners with the available accommodation, and I cannot remember that there has been a single complaint.

Classification.—Proper classification of prisoners is also impossible with the available accommodation, and practically the only classification is between natives and whites. Whenever possible short sentence prisoners are associated in working gangs and wards at night, and to this extent are kept apart from long sentence criminals. Military prisoners are specially considered.

The Health of prisoners has been excellent. There has been one death and the sick reports disclose in most cases trifling ailments only.

The Cleanliness of the prison leaves, I think, nothing to be desired.

The Discipline maintained, I am satisfied, is consonant with the proper enforcement of the hard labour sentences.

Prison Labour consists in quarrying, road-making, clearing, and labour in and about the prison and garden. Labour is hired to public bodies but not to private individuals. Up to the present no white convicts have been put to labour outside the prison enclosure, but, with the arrival of some 50 long sentence prisoners, a proposal has been made to the Municipality for their employment on public works.

BARBERTON DISTRICT HOSPITAL.

Report for the period 1st July, 1903, to 31st March, 1904.

The last Report issued from this office covered a period of nine months from the taking over of the hospital from the military authorities in October, 1902, to the 30th June, 1903. A like period of nine months now under review offers a favourable opportunity for comparison.

The former report dealt largely with the question of accommodation, and detailed the additions and alterations which were recommended. With the exception of the erection of a dispensary, it has not been possible to carry out any new works, but the necessity still exists and the requirements are being borne in mind.

The following are details of the number of patients admitted, discharged, and died during the period under review :—

	Whites.	Natives.	Total.
In Hospital on 1st July, 1904	12	6	18
Admissions	126	66	192
			210
Discharges	116	48	164
Deaths	6	16	22
In Hospital 31st March, 1904	16	8	24
			210

The number of patients in hospital at the 31st March, namely 24, is a fair average of patients during the period.

The large proportion of white patients admitted suffered from malarial fever. This disease claimed 65 of the total, dysentery 7 cases, debility 9, and the remainder various diseases.

Natives suffered from malarial fever 7 cases, pneumonia 9, dysentery 6, peritonitis 4, enteric 2, and a number of surgical cases.

The nursing staff consists of—

1 Matron,
2 Sisters,
2 Nurses or Probationers,
1 Orderly.

The staff has been greatly taxed owing to the trying climate and heavy work, and without exception have all been ill, necessitating frequent reliefs.

The total admissions, whites and natives, for the previous nine months were 80, but, of course, it must be remembered that the hospital was undergoing structural alterations and the season was milder.

As I previously reported, before the war the hospital was administered by a committee of three Government nominees from the townspeople and three elected members, with the Mining Commissioner as chairman, and received in later years a grant of £3,000 per annum. The townspeople took a keen interest in the institution and subscribed at various periods considerable sums, which, with the liberal contribution from the Government, enabled the committee to erect the present buildings and maintain the hospital on the broadest lines for the benefit of the district. Since the war the hospital has been provided for entirely by the Government, but, at the request of the Colonial Secretary, an exhaustive report has been prepared by the surviving members of the late committee embodying a proposal to revert to the old system, and this report will be submitted at

once for consideration by the Government. I have perused the draft report and verified the statements in it by a reference to the minute books of the Hospital Board from the year 1886, and I favor a reversion to the old system, as I am convinced that the townspeople will do much for the hospital if they are given a voice in its administration.

The cost to Government at present is considerable. For six months ended 31st December, 1903, the Inspector General of District Hospitals returns the cost at :—

	£	s.	d.
For salaries	424	14	0
Other charges	1,118	12	0
Total	£1,543	6	0

and these figures are likely to be maintained.

During the period of this Report fees collected only amount to £470 3*s.* 9*d.*, due to the small number of paying patients against the large majority of poor whites, prospectors, and the indigent class met with in the low veldt which require hospital aid in sickness. £60 2*s.* has been paid for fees this month, but revenue from fees will never be a large item.

PAUPER RELIEF.

There is urgent need of providing for cases of extreme poverty and actual destitution. The number of persons of this class who have been put over the Portuguese Border at Komatiepoort has been considerable and in a few cases death has occurred from exposure, fever, and exhaustion.

DESTITUTE DISCHARGED PRISONERS.

It is eminently desirable that European and white prisoners should be enabled to earn by good conduct a sufficient sum to provide them with means of subsistence during the first days subsequent to their discharge, and that their fares to their homes or places of employment should be paid. Starvation or relapse into crime appears to be the only alternative to some of these men.

LUNATICS.

The gaol is at present the only place where lunatics can be detained. In many cases the knowledge that he is in a prison and the surroundings are bound to prejudice the recovery of the patient.

LEPERS.

There have been two cases of leprosy amongst Europeans reported during the period ; there is no place for the detention of European or native lepers.

LOCK HOSPITAL.

There is no place for the detention of contagious diseases cases.

ADMINISTRATION OF DECEASED ESTATES.

The number of cases dealt with through the Resident Magistrate's office during the period is 22.

LIQUOR LICENSING COURT.

The following is a list of the licenses issued in the district.

—	1903.	1904.
Wholesale	9	—
Hotel	23	—
Bottle	5	—
General Retail	18	—
Club	3	—
Railway	2	—
Brewers	1	—
TOTAL	63	—

Distributed thus :—

Barberton	21	Kaapsche Hoop	3
Komatiepoort	6	Proclaimed Diggings	30
Avoca	3		

REVENUE.

The following table exhibits the total revenue collected in each month during the period 1st July, 1903, to 31st March, 1904, and during the corresponding period of the previous year in round figures :—

Month.	1902–3.	1903–4.
	£	£
July	835	6,238
August	1,403	3,337
September	7,667	3,601
October	4,589	6,116
November	3,457	3,924
December...	3,240	3,878
January	8,395	9,084
February	4,788	4,053
March	4,777	6,425

The following table will give the comparison in regard to revenue between the last two normal years under the late Government, preceding the war, and the two periods selected for returns under the present Government :—

	£
Year ending December, 1897	69,908
,, ,, ,, 1898	55,554
,, ,, ,, 1902	24,591
,, ,, 30th June, 1903	64,604
Nine months ending 31st March, 1904	45,635

No. 2.

ERMELO.

Report on District Ermelo, July, 1903 to March, 1904.

This is the best district in the Transvaal. It includes, since the war, the sub-district of Carolina, and lies in the Eastern Transvaal against Swaziland. Eighty miles from east to west and 70 from north to south it covers some 5,500 square miles.

SURFACE.

It is the eastern spur of the high veld. North, south and east lies the warm winter veld some thousands of feet below, and into this low country pour the various rivers—Eland spruit, Komati, Umpilusi, Usutu, and Compies—all making for the Indian Ocean. Two other important rivers make their rise on these uplands—the Vaal and the Olifants river—but here they are a mere series of shallow water holes, not to be compared with the rivers flowing east.

CLIMATE.

In winter-time this is the coldest part of South Africa. Night frosts begin in April and last till September, often accompanied with snow and hail, but the days are all summer like England in August. The average rainfall of the last seven years is as follows :—

Month.	Rainfall.	Month.	Rainfall.
	inches.		inches.
January	4·8	August	·2
February	4·1	September	·4
March	3·2	October	2·5
April	1·8	November	3·9
May	·7	December	4·8
June	·2		
July	—	Total	26·6

FAUNA AND FLORA.

Game is very scarce and strictly preserved. There are two or three herds of springbok and blesbok. Among the bush in the low kloofs bushbok are to be found. Korhaan and bustard make good flying game on the high veld. Duck, teal and coot abound on the pans which are scattered all over the watershed. Snipe are in all the flats along the streams.

A certain amount of indigenous bush grows in the kloofs to the east and north, but otherwise all the trees have been sown by settlers. Blackwattle, gum, and pine mark out each village and homestead from the surrounding veld. These trees grow about five feet each year, and are unaffected by frost or drought. They only require protection for the first two or three years against stock and against veld fires.

HISTORY AND POPULATION.

The district was first settled in 1860–1870. The Boers came from Lydenburg, whence they were driven by the fever and the Kaffirs. A Scottish settlement came with Alexander MacCorquindale, who obtained from the Boer Government some 4,000 square miles of country, which he named New Scotland, Roburnia, and Londinia. Settlement was very slow. Even by 1880 the white population was barely 500, and the Kaffirs had only just begun to return after the Swazi raids.

After the 1881 war most of the Scottish settlers left, and the eastern half of the district was derelict up to the recent arrival of English settlers under the auspices of the present Government.

Ermelo was founded in 1881, and in 1886 Ermelo District was carved out of the old districts of Lydenburg and Wakkerstroom. Carolina was founded in 1885.

The rise of the gold industry on the Rand sent from there many wealthy Boers to this the last settled portion of the high veld, and during the '80's and '90's farmers continued to come in from the Free State and Cape Colony.

The population of the district is not yet certainly known. It will probably turn out to be about 9,500 whites and 25,000 kafirs. The following are the approximate town populations included in the above :—

District.	White.	Black.	Total.
Ermelo	720	700	1,420
Waterfal Boven	300	150	450
Carolina	220	200	420
Amsterdam	100	120	220
Lake Chrissie	40	20	60

AGRICULTURE.

Ermelo is now preeminently a mealie-growing district. About 24,000 acres are under mealies and about half as much under kafir-corn, wheat, potatoes, oats, and barley. The acreage under cultivation is about twice as much as before the war. Steam machinery is being imported, and with the Springs-Ermelo railway running next year the mealie acreage will again increase largely. Summer wheat and oats suffer from rust, owing to the heavy rains. A certain amount have been grown in winter, but for this irrigation is required, and very little of this is carried out as there are no dams here, and the other crops do not want watering. Potatoes have proved somewhat of a failure, owing to the distance and uncertainty of the market. Sheep, cattle, and horses are stocked. The war destroyed the old stock, which destruction has forced the farmers into the harder work of agriculture, but some 80,000 sheep and 10,000 cattle are now on the land. Before the war there were about 500,000 sheep, 40,000 cattle, and 30,000 horses. There has never been any dairy farming on a commercial scale, and the export of wool, which before the war was valued at £100,000 per annum, is at present inconsiderable.

LAND TENURE.

Nearly all the farms in this district are so-called "loan-farms" paying an annual tax of 9*d*. per 100 acres. There are about 550 registered landowners, of whom all but 80 are residents, but besides these Land and Exploration companies own some 200,000 acres, and the Government about 300,000 acres. The average private ownership of a farmer is now about 5,000 acres of which 2,000 will be away in the low veld (not always in this district) and 3,000 on the high veld with the homestead. Every year sees the Boer's holding reduced in size owing to the custom of dividing the land among all the children. Rents are very low—quite incommensurate still with the market price of the land—and in most cases the bywoner pays no rent at all, merely helping his landlord in his farming operations and almost invariably in debt to him besides.

Land values have fluctuated with the share market and even more seriously, for the boom after the war put up the price of land far more than it affected quoted shares. Land now fetches from £1 5*s*. an acre in the best parts of the west to 5*s*. an acre on the Swazi border—a price 60 per cent. less than the market price of a year ago.

Mortgages are not serious in amount—apart from those on the land of absentee owners. Of the land belonging to resident owners some 400,000 acres are bonded for about £120,000, but the rate of interest, which varies from 9 per cent. to 12 per cent., is

generally fatal to the farmer who is condemned to raise money. An exception should be noted to the Government mortgages (amounting to one-third of the whole and included in the above figures) which are at the low rate of 4½ per cent. and 6 per cent.

MINERAL PRODUCTS.

Coal occurs throughout the district. Two to three hundred tons are annually exported by wagon to Standerton and Volksrust. The mines, however, are all undeveloped. Gold and oil-shale are found. Nothing can be done to develop the minerals till the railway reaches the district.

MANUFACTURES AND COMMERCE.

Mineral waters, boots and shoes, wagons, harness, furniture and bricks complete the list of local products. There is a printing press with a local newspaper in Ermelo. The trade centres are Ermelo and Carolina. These places have the usual country stores, one or two banks and law agents, ministers of religion, doctors, and a complement of Government officials. The rates of transport of goods from the line at Volksrust to Ermelo vary from 4*s*. per 100 lbs. in winter to 2*s*. per 100 lbs in summer, which makes living here more costly than in most other parts of the Transvaal. There are also a couple of stores at Lake Chrissie and at Amsterdam, and about 15 country stores whose trade is mostly with kafirs. The annual store turnover varies from £25,000 in the chief stores in town to £1,000–£400 in these small kafir stores. Credit forms three-quarters of the trade of the large town stores owing to the scarcity of money, but the kafir trade is nearly all for cash, and at an average 100 per cent profit.

ADMINISTRATION.

The administration of the district is somewhat complicated. The Resident Magistrate holds his court and collects taxes at Ermelo. An Assistant Resident Magistrate—practically independent—does the same for the old Carolina District at Carolina, and a Resident J.P. sits at Amsterdam. Besides these, and to an ill-defined degree subordinate to them, there are the Police and officials representing the Public Works Department, the Roads Department, the Native Affairs Department, the Education Department, the Agricultural Department, and the Repatriation Department. In spite of the number of these officials things have worked harmoniously amongst themselves, and fairly satisfactorily and smoothly with the Boers.

The magistrate's work consists principally in answering the conundrums set by the Boer visitor, which vary from the best method of getting work or a loan to the legal force of a will or a right of way. The criminal cases average one a day, and generally concern minor infringements of the Native Pass Laws or the Master and Servant Law. The gaol, with an accommodation for 100, has only an average of 15 occupants. The civil cases have increased with the financial pressure but are generally simple, and the whole court work averages but one hour a day. The Boers are an extraordinarily law-abiding people (only 65 have been convicted during the 22 months the court has been open), and take such great pains to ascertain the details of the laws and regulations that are passed that it becomes very important to see that such laws and regulations are well considered and really necessary. There is a danger in excessive legislation for the peoples' good, but not by the will of the people.

The magistrate has also assessed the claims of those living in the district (ex. Carolina) under the heads of:—

	£
British subjects 50, assessed at	48,000
Foreign subjects 9, assessed at	8,000
Protected burghers 193, assessed at	141,000
£3,000,000 burghers 768, assessed at	825,000

Most of the British and foreign subjects have been paid their allotment. Some of the protected burghers were paid in August, 1903, but the long interval that has elapsed since then and the uncertainty as to who will be paid has roused justifiable dissatisfaction. The repatriation debts are due in September and thereafter. It will be practically impossible to get anyone to pay their debts to the Government until their claims on the Government are settled, and it would be most impolitic to ask them to do so. The collection of the debts falls on the magistrate.

He has also the issuing of the cattle trek permits under the advice of the District Veterinary Surgeon as representing the Agricultural Department. Cattle disease is inconspicuous in the district, but a check has to be kept on movements of cattle. No difficulty beyond a visit to town is occasioned to the farmer. The magistrate also holds meetings of insolvent and intestate estates, meetings of the liquor licensing court, values properties for transfer dues, for Government mortgages, and for the correct portions of minor heirs. He is governor of the prison and marriage officer, and his clerk is registrar of births and deaths. Here I am also president of the agricultural society, chairman of the school board and honorary member of the urban district council.

The revenue collected at Ermelo from April, 1903, to March, 1904, is as below :—

	£	s.	d.
Rent of Government property	27	7	6
Farm tax	1,674	6	0
Transfer duty	1,724	5	11
Auction dues	134	15	9
Licences	1,314	9	0
„ liquor	753	10	0
Stamp duty	685	18	0
Personal tax	732	14	0
Erf tax	1,196	5	0
Native tax	10,016	0	0
„ passes...	167	6	0
Fines and court fees	394	5	0
Dog tax	295	10	9
Education	174	11	1
District Hospital	120	3	9
Pound fees, Amsterdam	85	7	4
Sale of ammunition	11	16	10
Estate duty	134	18	3
Miscellaneous	11	10	0
	£19,655	0	2

The Repatriation and Claims work, together with the work accumulated during the three years' war, necessitated a large staff until recently. Now that normal conditions have supervened and that the police officials have been employed as public prosecutor and as messenger of the court, the present staff, consisting of resident magistrate, revenue clerk, two other clerks and interpreter, is found ample.

POLICE.

The police are officered by a district commandant adjutant and three sub-district commandants. They are well disciplined and under good control.

PUBLIC WORKS.

During 1902–3 all the public buildings that had been destroyed were rebuilt. Now there is nothing more that need absolutely be done in the present state of the country's finances, although a fee-paying school, in view of the Government's promises and the keen rivalry of a private Dutch school, is badly wanted, and a hospital (if sufficient support can be got locally) is also required. An assistant engineer of the Public Works Department and clerk look after such work as there is to be done.

EDUCATION.

The Standerton Schools Inspector supervises the Ermelo Schools, while Carolina Sub-district is under Barberton. There are Government Schools at Ermelo (100 pupils), Carolina (55), Chrissie (33), Amsterdam (35), Waterfal Boven (75), and 11 farm

schools, with altogether about 315 pupils. At Ermelo there is a fee-paying school for richer parents, with 40 pupils. There are besides some 10 private Dutch schools, with about 250 scholars. These have been mostly supported up to the end of March by the D.R. church. English is taught, after a fashion, in all of them. The best is the Uitkomst school. This school is patronised by the best families in the district, and conducted by the late head-mistress of the Pretoria Girls' High School. It is now building a large school and boarding house in town. The fees are high, but it will probably ruin the Government schools here, and possibly pay its way. The Government free school here has already lost 80 pupils owing to the active canvass of the Dutch zealots. These Dutch schools, while in the country, do more good educationally than harm politically, as it is impossible to provide enough Government schools.

LANGUAGE AND RELIGION.

The Boer Taal predominates, but three-quarters of the children speak English also. The newspaper is published in Dutch and English. Owing to the difference between Boer Taal and Dutch, and the impossibility of making Boer Taal a written language, great stress is laid by the extremists on the teaching of Dutch in the schools.

At present not more Boer farmers can write a grammatical letter in Dutch than in English, though they have no difficulty in reading High Dutch.

Most of the farmers are strict members of the D.R. church. There are churches of this persuasion in Ermelo and Carolina. A few of the richer Boers are indifferent, owing largely to the squabbles that have arisen, and within the last two months a new D.R. church has been formed by the National Scouts and those who sympathise with them. This is owing to the more or less penal measures enacted against the scouts by the Elders of the old D.R. church. If the split is finite the new church will number about 150 members in this district, in deadly opposition to the old church. The British Community are about equally divided between the Wesleyan Methodists and the Church of England and Presbyterian persuasions. The Wesleyans are the most energetic, and have a church in Ermelo as well as a large native mission congregation. The German Reformed Church has also a minister here, with native connections. There are a few "Doppers" with a ruined church at Lake Chrissie. The Church of England have a church at Amsterdam, and are raising funds for one in Ermelo.

COMMUNICATIONS.

A telegraph line runs from Standerton to Bethel, Ermelo, Lake Chrissie and Swaziland. Amsterdam and Carolina are also connected with the nearest point on the railway by telegraph. The post reaches and leaves Ermelo five times a week, twice from Standerton, once from Volksrust, and twice from Wonderfontein *via* Carolina and Lake Chrissie.

The chief roads in the district are fairly good. Since the war they have been mended at various spruits and through swampy ground. The chief transport road is the one from Volksrust through Ermelo and Carolina to Machadadorp. By-roads run in every direction, as there is little fencing, and owing to the sparse population rights-of-way have not yet become a nuisance to the farmer.

Two railways are being built. The Machadadorp-Ermelo Railway is a private company. The earthworks are complete as far as Carolina, and the rest will be finished this year if the Company can raise £450,000 on first debenture with the Government guarantee of 3½ per cent. The running of the line will be entirely in the Government's hands, and they intend to use it at present in conjunction with the Ermelo-Springs Railway to relieve the traffic from Johannesburg to Delagoa Bay.

The other railway—far more important from the point of view of this district—is being built by the Government from Springs to Ermelo. It is intended ultimately to produce it through Swaziland to Delagoa Bay. It will have a vitalising effect on the agricultural and mineral resources of the district. The contractor has to finish earthworks and bridges by the end of the year. Even now the work on it is of great benefit to the farmers.

JONAH C. WEDGWOOD,
Resident Magistrate.

No. 3.

HEIDELBERG.

REPORT ON DISTRICT HEIDELBERG, PERIOD 1ST JULY, 1903, TO 31ST MARCH, 1904.

1. CIVIL ADMINISTRATION.

Expenditure.—The expenditure on this establishment for the above period totals £4,199 14*s*. This includes salaries of officials, witness expenses, allowance to members of licensing court, and other incidental expenses.

Expenditure is being kept down to the lowest limits ; the district has been deprived of an Assistant Resident Magistrate and the Public Prosecutor. The latter officer was previously attached to my office ; his work is now being carried out by the police.

Food Supply.—This is ample. The district is still greatly dependent on imported frozen meat.

New Public Works.—None of the contemplated works have been carried out. Work has been done on the proposed railway line between Springs and Ermelo.

Roads.—Repairs have been carried out on portions of the road from Heidelberg to Vereeniging and Heidelberg to Nigel. The work on roads could be more satisfactorily and economically done if it were entrusted to a local authority such as a District Road Board or Divisional Council with experienced officials.

Railway Development.—With the exception of the work performed on the Springs-Ermelo Railway no other works have been carried out.

Sanitation.—This is good, and in this town is carried out by the Municipality recently established.

Forests.—No special work has been carried out.

Areas under Cultivation.—The area placed under cultivation is larger than has ever been cultivated before. The extent cultivated cannot be given, but the statistics just collected in taking the Census will give it.

New Products.—No new products have been tried in this district.

Special Administrative Duties.—From July to 31st December I was employed as Chairman of the Repatriation Commission, also of the Ordinary Compensation Commission and the Military Compensation Commission for the district. All these were closed down in November last. I was Chairman of the Local Health Board which ceased on the establishment of the Heidelberg municipality on the 8th December last.

The regulation of the issue of arms and ammunition and permits for removal of cattle in order to prevent the spread of Rhodesian redwater is also carried out by me.

MISCELLANEOUS.

Only one gold mine has continually been worked. Others were shut down owing to the scarcity of labour. Agriculture and cattle rearing are the other chief industries of the district. The coal mines have been kept going. The district has been generally in a very depressed state. Unfortunately the great hopes entertained of an abundant harvest will not be realised owing to the severe drought in the earlier part of the season. There will, however, be a sufficient yield for ordinary requirements. Until the present crop is gathered assistance will be granted to families requiring immediate help. This assistance has been given to Europeans only. With the exception of a very few instances this help was discontinued on the 31st March. Natives are doing well and are contented.

A good number of all kinds of stock have gradually been brought into the district, which has served to reduce prices, except that of sheep.

Notwithstanding the many drawbacks there has been a very general improvement in all classes in the district.

Statements of births and deaths for the district are enclosed.

REVENUE.

The total amount collected at Heidelberg for the period 1st July, 1903, to 31st March, 1904, was £100,488 18*s.* 3*d.*; from this should be deducted refunds, £336 11*s.* 9*d.*, amount due to estate owners, £37,727 8*s.* 2*d.*, and interest on re-settlement loans, £86 11*s.* 8*d.*, leaving the total of actual revenue at £63,001 10*s.* 2*d.*

At Vereeniging the sum of £2,433 3*s.* 10*d.* was collected.

These totals do not give the actual revenue of the district as certain items are collected in Pretoria.

Statements are enclosed.

JUDICIAL.

There has been a steady increase of Judicial work during the period 1st July, 1903, to 31st March, 1904.

A periodical Court, held once a week, has been established at Nigel.

The Assistant Magistrate stationed here has been removed.

Resident Justices of the Peace are being appointed in several parts of the district; this will meet the requirements of speedily dealing with petty cases in those parts of the district distantly removed from the seat of Magistracy.

I enclose :—

(*a.*) Return of Inquests and Investigations.
(*b.*) Return of Civil cases.
(*c.*) Return of Criminal cases.
(*d.*) Return of Juvenile offenders.
(*e.*) Return of classification of Criminal cases.
(*f.*) Return of Births and Deaths.
(*g.*) Return of Prisoners who served their sentences at station of Periodical Court or Resident Justice of the Peace.
(*h.*) Return of Lunatics, Lepers and Paupers.
(*i.*) Expenditure Return.
(*j.*) Revenue Return.

F. L. H. AITCHISON,
Resident Magistrate.

No. 4.

KLERKSDORP.

INTERMEDIATE REPORT FOR THE PERIOD FROM 1ST JULY, 1903, TO 31ST MARCH, 1904.

Office of the Assistant Resident Magistrate,
Klerksdorp, 26th April, 1904.

CIVIL ADMINSTRATION.

Food Supply.—There has been an appreciable improvement in the food supply in this sub-district as compared with the same period last year. The stores are well supplied, while the farmers have acquired a considerable number of both large and small stock. The former, principally through the Repatriation Department, on credit, and the latter has been mainly purchased from the Cape Colony, &c., by means of loans raised through the same Department.

A large percentage of farmers reaped enough cereals for home consumption, while a good many were able to place a limited quantity on the public markets, which on the

whole realised fair prices. In November and December of 1903 there was a plentiful supply of oat hay, chaff, and potatoes, produced principally from the Schoonspruit Valley, where irrigation is carried on to the full extent of the water supply.

Irrigation (including Irrigation Works).—Some of the farmers in the lower portion of the valley suffered considerably owing to the scarcity of water when most needed. This, in my opinion, is due to the want of proper supervision over the distribution and unnecessary waste rather than to the actual scarcity of the water.

Little or no irrigation works have as yet been started, though there is plenty of scope for such. The only work of this kind existing is the reconstruction of a large dam on the farm Palmietfontein (280) at a cost of about £600, defrayed by the various owners of the farm. There was, however, a deficit of about £290, which amount the Government Irrigation Department have signified their willingness to advance as a loan, an act which the farmers greatly appreciate. This dam will open up a considerable tract of land for irrigation purposes.

New Public Works and Roads.—Nothing has been done in this direction worthy of comment.

Railway Development.—Since the early part of this period considerable railway construction has been carried on in this sub-district, on the Klerksdorp-Kroonstad line. Earthworks and masonry extending to the Vaal River are nearing completion, masonry work for the bridge to span the Vaal River is also progressing. The construction of earthworks on these lines granted facilities for a certain section of the community to earn a living. A few of the bywoner class availed themselves of this, but the majority, who were discharged by the Public Works Department and proceeded thence, declined to work on the terms advanced by the Railway Department, which necessitated each man being paid for the actual amount of work done. Their reason for objecting was because the terms offered would not enable them to earn a living, a conclusion which was arrived at without giving it a trial. As a matter of fact they expected to be employed on the same liberal conditions upon which they were engaged by the Public Works Department, which amounted to 5*s.* per day, whether they worked or not ; an arrangement which suited a number of the more indolent admirably, and of which they took every advantage.

Sanitation.—The District Surgeon's report for the period from 1st July, 1903, to 31st December, 1903, is included in my Health Board report, a copy of which is hereto attached.

For the period 1st January to 31st March, 1904, the District Surgeon reports as follows :—

"The new Municipality appointed Dr. Orford as Medical Officer of Health to the town from March 1st.

In future, therefore, matters affecting the public health of the town will be under the direct supervision of a responsible official, and undoubtedly many improvements will be carried out and mistakes avoided in the future.

Towards the end of March plague broke out on the Rand, and this municipality took immediate and effective steps to prevent its reaching this district. The measures adopted were somewhat freely criticised by some residents in the town, but in my opinion no unnecessary steps were taken.

It is fortunate that the outbreak occurred at the end of the hot season, had it been at the commencement it would have necessitated more stringent measures still.

I am glad to be able to report that the South African Constabulary barracks have been completed, and that the dilapidated buildings lately occupied by that corps have been evacuated.

The part of the town called Pienaaredorp is still in a disgraceful state, but the Medical Officer of Health has lately taken the matter in hand, and I hope soon to be able to report more favourably upon it.

The number of infectious diseases notified to me have been very small, and practically no cases of enteric fever have occurred.

Progress has been made in several directions in improving the sanitary condition of the town. "Coolie" stores and native huts and houses have been inspected and cleansed, and several insanitary "shanties" removed.

I wish to again call attention to the smallness of the stands in this town. Most of the stands are 100 by 50 feet, and upon these a house is built, a well sunk, and in many cases one or two horses kept. Necessarily a great deal of discomfort results, and much ill-health can be traced to this source. It is absurd for such stands to be allowed in future in a country like the Transvaal, and I trust that, when the township is extended as it must soon be, the minimum size of stands will be fixed at something considerably larger.

Forests.—Nil.

Areas under Cultivation.—There is considerable improvement in reference to this subject during the last few months. Fairly extensive lands have been sown during this summer with the assistance of repatriation ploughing teams at a reasonable rate. The season should therefore prove a good one, though there is the danger of the early frost killing the crops sown somewhat late, owing to the rains setting in only after the season had well advanced.

New Products.—Nil.

SPECIAL ADMINISTRATION DUTIES.

Commissions.—The District Repatriation Commission and Military Compensation Commission have been very busy assessing claims, and a certain amount of these have been paid to protected Burghers, British and Foreign subjects. Constant, and in some cases, urgent inquiries are being made in regard to the payment of the remainder.

Health Board.—I attach hereto a separate report in connection with the work of the Health Board from July to December, 1903, after which a Municipality was formed and the Health Board dissolved.

Hospital.—This institution is at present subsidised and controlled by the Government, though the property which is of considerable value is registered in the name of the late local Hospital Board.

Communications for the purpose of giving transfer to the Government have been carried on without success.

During this period there have been 130 white and 199 coloured patients admitted for treatment. Of these, 118 white and 178 coloured have been discharged, while seven white and 13 coloured have died. The majority of these are non-paying patients. There have been upwards of 40 patients in the hospital at the same time. There is accommodation for at least 60, and the staff consists of a matron, two nurses, and two probationers.

MISCELLANEOUS.

All kinds of relief including the issue of rations was suspended through the medium of the Repatriation Depot on the 31st December, 1903, and arrangements were made whereby the absolutely destitute only are able to obtain relief by means of an order on a local firm, debitable to the Repatriation Department, for the bare necessaries of life. Searching enquiries are made in each case, accompanied by medical and other certificates, so as not to encourage wilful indolence by granting assistance to those who are able, if they chose, to earn a living. Facilities have been granted to destitute widows by presenting them each with a cow and calf, building material, rations for three months, some money, and ploughing and sowing their lands free of charge.

There is, therefore, little or no relief being granted now to those outside the town, and the number in the town still on the relief list has diminished considerably.

REVENUE.

On the constitution of the Klerksdorp municipality on 25th September, 1903, and in terms of Municipal Ordinance of 1903, certain revenues accruing from trading and professional licences, and dog taxes were vested in the Council and have since been collected by them.

Market dues from the 1st January 1904 have been likewise vested and the Erf taxes within the municipal area, equal to £115 per annum (approximately) have also been collected by the Council since the beginning of the present year.

Personal taxes were abolished in June 1903.

The revenue shewn under this head represents collection made in July, prior to the receipt of the notification of repeal.

The statements enclosed are :—

(1) General revenue.

(2) Mining revenue.

(3) Summary.

JUDICIAL.

The following L D forms 348, 349, 350 and (A) (B) (C) and (D) are hereto attached.

J. H. ARNOLD,

Assistant Resident Magistrate,
Klerksdorp.

No. 5.

LICHTENBURG.

REPORT FOR THE PERIOD 1ST JULY, 1903, TO 31ST MARCH, 1904.

ADMINISTRATION.

1. *Food supply.* -During the period under review assistance from the Repatriation Department has only been given in the cases of widows and indigents.

The staple crop of this district is the maize or "mealie" crop. An exceedingly favourable rainy season has assured an unusually heavy crop, which will be reaped in May next. Old farmers tell me that there is a larger area under mealies this year than has been known for years past. Prices will be low, but there will be a plentiful supply for farmers' own requirements and the feeding of their Kaffirs.

Fruit and vegetables have been plentiful everywhere where people have gardens.

Fresh meat of medium quality sells at 1*s.* per lb.

2. *Irrigation.*—Irrigation is carried on from fountains and springs, dams, and open wells, by use of pumps. The largest fountain supplies are in the town of Lichtenburg, and the adjoining settlement of Burghersdorp. The furrows from these fountains supply water for household purposes, and also for irrigation for cropping purposes on the different erven, which are really small farms. The erven in Lichtenburg are 2½ acres in extent, and the burgher-rights at Burghersdorp are 4¼ acres.

Irrigation from water-furrows, led from fountains or springs, is also carried on successfully on the farms Wonderfontein, Manana, Polfontein, Vleifontein, Grootfontein, Graslaagte, Rietgat, Duikerfontein, and Welverdiend.

The rest of the district gets its water from dams and wells. A large amount of irrigation is done by means of a pump known as the "buckies" pump. These pumps bring up as much as 10,000 gallons an hour.

There seems to be a strong supply of water underground, which outcrops at different places in the limestone, thus causing the fountains. It is hoped that the Government will soon undertake experiments in boring to tap this underground water. The importance of this work to a district like this, which with water can grow large crops of wheat, cannot be exaggerated. At present farmers who get no water from fountains can grow very little else but maize and potatoes.

If it can be proved that water boring is successful at a reasonable cost the value of land in this district will go up 25 to 30 per cent.

3. *Public works.*—The principal work done has been the erection of wood and iron buildings in the outlying parts of the district for the Education Department, and a house for the gaoler. The magistrate's house is about to be built. Other works required are teachers' houses, a hospital, and a new gaol.

4. *Roads.*—From July to December an average of 200 burghers were employed at work on the roads at five shillings per diem. A quantity of really good permanent work was done in this time, but owing to lack of funds the burgher labour was done away with at the end of December.

At present a maintenance gang of 20 natives is employed on the roads.

With the exception of the portions made during the six months mentioned, the roads generally are merely tracks, and a lot of work will be necessary before they are in anything like proper order. The maintenance gang has been kept very busy during the rainy season patching dangerous drifts and other places. Owing to the smallness of the gang not much has been done but the work accomplished is very good.

5. *Railway Development.*—The lack of railway communication is a great drawback to the agricultural development of this district. Farmers have to transport their produce 60 miles to Klerksdorp or 72 to Potchefstroom to reach the rail for Johannesburg. Roughly it costs 5s. per bag to put maize on the Johannesburg market.

A line run from Frederikstad through Ventersdorp to Lichtenburg and from there to Ottoshoop and Mafeking would open up a large grain producing area. The engineering difficulties are practically non-existent as the country is level the whole way.

6. *Sanitation.*—The elective Urban District Board took over the duties of the Health Board from the 31st December, 1903, the nominee members of the Health Board being elected to the new body.

The Urban District Board are strictly enforcing sanitary regulations. The removals are by means of the bucket system.

Since the plague broke out on the Rand the members of the Board have been making personal house to house visits to assure themselves of the sanitary condition of the town.

Notwithstanding the fact that the greater part of the town lies low and that we have had an exceptionally wet season the health of the town has been very good.

7. *Forests.*—About 1,500 acres of a Government farm adjoining the town have been set apart for forestry. At the end of June, 1903, a representative of the Forestry Department arrived and started work. Since then remarkably good progress has been made in spite of the difficulties of starting any fresh enterprise so far from the railway. There has been a lot of trouble with ants but already there are 200,000 young trees in a healthy condition grown from seed.

Enquiries to purchase young trees have come from as far away as Christiana.

I feel sure that this nursery and forest will be of incalculable benefit to this district and other treeless parts of the Western Transvaal.

8. *Areas under Cultivation.*—With favourable rains and a larger number of draught stock, farmers have put much more land under cultivation than last year. In fact some of the farmers have told me that they have never seen so much cropping done in this district before. Making an estimate from information I have been able to gather I should say that the areas under cultivation this year are :—

8,000 morgen in mealies.
600 „ „ Kaffir corn.
100 „ „ potatoes.
200 „ „ pumpkins, beans and garden vegetables.

9. *New Products.*—There are no new products.

10. *Repatriation.*—The Repatriation Department was finally closed down on the 26th January. From the end of May 1903 assistance in the way of rations was only given to widows and absolute indigents.

During the ploughing season the depôt had 50 ploughs and teams out ploughing for those who through want of stock might lose the opportunity of getting a crop in the ground.

Two sales of transport material and stock were held. The first, held in November, was a great success, mules fetching up to £35. The second, in January, was not such a success. Farmers had their annual crop in the ground and were not anxious to buy.

The Repatriation Commission which had been sitting since 29th August, 1902, broke up on the 31st October, 1903. This Commission worked very hard, and the district shows good results from their labours. Every farm in the district now has draught stock of some description. The short loan system proved a great success. Farmers were enabled to go to their friends in the Cape Colony and buy cattle and sheep at very low rates.

There have been few deaths among stock sold on promissory note to the burghers, and their stock generally is doing well. Houses have been built up or patched up with repatriation wood and iron, and the district is rapidly assuming the appearance it had before the war. The houses of the poorer people consisted mainly of mud and iron and did not take long to re-build. The houses of the better class of course suffered very severely, and in most cases these people have been content with a make-shift residence until times improve.

The damage done by the war is felt most in the shortage of stock. Farmers who had 40 or 50 cattle before the war now only have the six or eight bought from the Repatriation Department.

The increase by lambing among sheep and goats has been very satisfactory, and those farmers who bought sheep with the short loans have in many cases doubled their flocks.

Claims.—The protected burghers were paid out in November, and British subjects have all received two-thirds advances against their claims.

The "three millions" claims, with the exception of a few odd ones, are finished and have been sent up to Pretoria.

A considerable amount of money came into the district by the paying out of the two Special Compensation Commissions and the payment of military receipts. I am glad to say that the greater part of these monies went into stock.

11. *Education.*—There are now 25 schools in this district—17 government and 8 private schools. The total number of pupils at the Government schools is 905, with 32 teachers, of whom 10 are Dutch. The private schools have 207 pupils with 10 teachers, all of whom are Dutch.

The Government schools are doing excellent work and the efforts of the English teachers are much appreciated by the ex-burghers.

GENERAL.

The feeling generally between the English and Dutch members of the community is very friendly. A certain amount of bad feeling between the "handsuppers" and final surrenders still exists. This feeling is wearing out to a great extent. In many cases personal feeling against individual "handsuppers" has a great deal to do with it.

The failure of the 1903 crops from drought crippled all classes greatly, but the prospects of a good harvest this year are excellent, and with the rapid increase that is going on among all classes of stock the district should soon become prosperous again.

The capabilities of the district from an agricultural point of view are enormous. A great deal can be done with improved methods of agriculture and irrigation.

The farmers realize that they must put their shoulder to the wheel to hold their own. Already even the poorer farmers are discarding the old-fashioned wooden single-furrow plough for the iron double-furrow.

The experimental and stud farm started by the Agricultural Department will be of great benefit in giving farmers the benefit of the best strains of blood to improve their stock.

Prospectors for minerals are always about the district and options have been taken over many farms.

The district is wonderfully healthy for cattle and sheep, and, apart from its mineral possibilities, I think it has a great future as a pastoral and agricultural tract of country.

JUDICIAL.

1. *Law.*—Court work, both civil and criminal, has increased. A new attorney has started business in the town and is getting plenty of work. The population, which is mostly Dutch, is very law-abiding, and the bulk of the criminal work consists of Kaffir cases.

For the convenience of the public it is proposed to open a Court of Resident Justice of the Peace at Barberspan, 45 miles away, which is the centre of the south-western part of this district.

2. *Police.*—The South African Constabulary continue to do excellent work. A reduction has been made in their numbers. The strength in this district now is 4 officers and 86 men.

The men at the different outstations have acquired an excellent knowledge of their patrol areas, and their local information proved of the greatest assistance in the work of repatriation.

I cannot speak too highly of the general good character and intelligence of the Constabulary in this district.

Attached are returns of civil and criminal cases for the period 1st July, 1903, to 31st March, 1904.

REVENUE AND EXPENDITURE.

1. *Revenue.*—Attached is a statement of revenue for the period 1st July, 1903, to 31st March, 1904. As there will be a large amount of native tax coming in during the last three months of this financial year I estimate the total revenue for the year ending 30th June, 1904, will be a little over £8,000.

2. *Expenditure.*—Attached is a statement of expenditure for the period 1st July, 1903, to 31st March, 1904. The total expenditure for this financial year will be as nearly as possible £3,000.

G. H. F. Rolleston,
Resident Magistrate,
Lichtenburg.

Resident Magistrate's Office,
Lichtenburg, 26th April, 1904.

No. 6.

LYDENBURG.

Office of the Resident Magistrate,
Lydenburg, 28th April, 1904.

Intermediate Report on the District of Lydenburg for the period from 1st July, 1903, to 31st of March, 1904.

The District of Lydenburg is one of the largest in the Transvaal, and covers over 1,500 farms. It is situated in the Eastern Transvaal, and bounded on the east by the Portuguese Territory, on the north by the Zoutpansberg District, on the west by the Middelburg District, and on the south by the Barberton District and Carolina Sub-District.

The principal town, Lydenburg, from which the district derives its name, is situated about fifty miles from the Delagoa Bay—Pretoria Railway.

During the period under report there have been no alterations in the conditions affecting the district.

All foodstuffs and other goods have to be brought from Machadodorp (the nearest point on the railway) by wagon, and owing to the exceedingly high death-rate among transport animals the cost of living still continues exceedingly high.

The district has been denuded of almost all stock, and it is estimated that there is at present only about one quarter of the number that was in the district twelve months ago. The farmers have been disposing of their cattle for slaughtering purposes, preferring in some cases to obtain even a very small price rather than lose their cattle through Rhodesian redwater, which is still exceedingly prevalent in the district. This season has been specially deadly for mules and horses, in some instances whole spans succumbing to one of the numerous forms of horse-sickness. One transport rider has lost thirty mules up to now, and the sickly season is not yet over.

This season's crops promise to be good, especially the mealie and wheat crops, but owing to the lack of transport among the farmers it is very doubtful whether a market will be found.

There is a proposal by the Government to establish a transport centre in the district, the idea being to have a certain number of wagons and animals which can be hired by farmers who wish to bring their crops to town or the nearest railway station for disposal. In pursuance of this proposal a request has been made for twenty wagons, twelve teams of mules, and eight teams of donkeys, to be under the supervision of the magistrate, who will regulate the charges for hire.

The supply of produce has been small, and consequently prices still remain very high.

A plant disease called "honey-dew" has attacked the Kaffir corn crops, especially along the Steelport, Waterval, and Ohrigsdad valleys, where it has practically destroyed the whole of the crops. It produces a sticky substance which drips from the leaves, and in some cases to such an extent that the ground for some distance around the plant becomes saturated.

As yet there have been no railway developments in the district, and until the town of Lydenburg is connected with the main line, and consequently with the principal markets, Johannesburg and Pretoria, the district can never do itself justice as an agricultural one.

An Urban District Board having control of all municipal affairs has been established at the towns of Lydenburg, Belfast, and Machadodorp. The Board is a corporate body, consisting of seven members, who are elected by the ratepayers, and whose term of office is for a period of two years.

Comparatively little has been done towards developing the mineral resources of the district, but there is a scheme on foot for working the iron deposit at "Magnet Heights" in the north of the district, which scheme if successfully carried out would be of great benefit to the district, creating as it will a large industry as well as a market for all the produce of the district, it being estimated that there are two hundred million tons of iron ore in sight.

A triple span stone bridge, constructed over the Speckboom river on the Lydenburg-Pilgrim's Rest Road, was completed on the 28th of December last.

A lock-up at Pilgrim's Rest, and a few public buildings to be used as farm schools in the district, are now in the course of erection.

Owing to the mountainous nature of the district the constant repairing of roads is no easy matter. Much labour, and consequently much money, has been spent in keeping in repair the following roads :—

Lydenburg—Machadodorp.
do. —Dullstroom.
do. —Pilgrim's Rest.
Pilgrim's Rest—Burghers Pass.
Lydenburg—Burghers Fort.
Rosenkratz—Ohrigstad.
Lydenburg—Magnet Heights.

The district is tranquil, and the people are law abiding. The same may be said of the Natives.

The Boers have had to experience a considerable amount of ill-luck owing to the ravages caused by stock diseases, and look to the Government to pay them their compensation claims for war losses. The delay in paying out these claims, coupled with the demands sent to farmers to settle their repatriation debts, has caused a considerable amount of dissatisfaction, and the Government will do well to take immediate steps to settle all claims.

T. H. DAMANT,

Resident Magistrate,
Lydenburg.

REPORT ON REVENUE COLLECTED AT LYDENBURG DURING THE PERIOD FROM THE 1ST OF JULY, 1903, TO 31ST MARCH, 1904.

Notwithstanding the disconnection of the sub-district of Belfast from Lydenburg last June, the revenue collected during the period now under review compares very favourably with the return for the corresponding period of the former years.

The total receipts, amounting to £50,460, shew an increase of £39,619, but the excess may be to some extent accounted for by the non-collection of mining revenue and native tax prior to March, 1903. The Mines Office being opened subsequent to that date accounted £6,000 for the four months ending June, 1903; and the collection of the native tax was commenced a month later and produced £24,000 for the three months ending at the same period.

LAND TAX.

Erf Tax.—The collection of tax on Erven situated within the boundaries of the Urban District Board was handed over to the Urban Board Authorities at the beginning of the current year, and the revenue is now vested in the Board's Council.

The only revenue now accruing to the State from this source is from the sub-districts of Ohrigstad and Dullstroom.

Farm Tax.—Considerable impediment is experienced in the collection of this tax owing to the difficulty of obtaining the addresses of the owners or their representatives, the majority being non-resident on the farms.

With regard to the farms held by two or more owners in undivided shares, considerable dissatisfaction is manifested by the public under the present instructions respecting the collection of the tax on the whole farm as a joint responsibility of the several joint owners in lieu of the system under the late Administration, whereby the tax was paid by each shareholder on their respective share, and to some extent this has retarded the payment of taxes due.

Personal Taxes.—These taxes were repealed June 23rd, 1903, and the present collection from this source is in respect of arrears of railway tax on farms.

LICENSES.

General, Trading and Professional.—A slight reduction may be expected from this item of revenue owing to the collection of the following licenses—pedlars, hawkers, bakers, butchers, keepers of hotels, boarding-houses, Kaffir eating-houses, public billiard tables, public bagatelle tables, coffee and tea rooms, wood sawyers and pawnbrokers situate within the Urban Board boundaries, being allotted to the District Urban Board, but the amount derived therefrom at the present time is not very considerable.

NATIVE REVENUE.

Native Passes.—This item shows an increase of £177 against the period of the twelve months of the financial year ending June, 1903.

Hut and Native Tax.—Shews an amount of £22,730 collected during the past nine months, and £10,000 additional may be expected to be obtained from this source during the current year.

MINING RECEIPTS.

This revenue is fairly well maintained, but the absence of a railway and the great difficulty of transport owing to the rough nature of the country and sickness among the transport animals, creates a great handicap to the mining industry of the district.

Sundry Mining Receipts.—The item shewn, £464 13*s.* 9*d.*, represents sundry mining receipts held over by the District Registrar of Mining Rights, and was placed to the credit of the Government Account by order of the Audit Inspector.

Survey Fees.—Liabilities amounting to £250, being for surveys of farms under the late Administration, are still outstanding ; endeavour is being made to collect the amounts, but as with the farm tax the same difficulty is experienced in finding the liable persons or their representatives.

F. H. DAMANT,

Receiver of Revenue,
Lydenburg.

28th April, 1904.

No. 7.

MARICO.

INTERIM REPORT FOR THE PERIOD 1ST JULY, 1903, TO MARCH, 1904.

AGRICULTURE.

Office of the Resident Magistrate,
Marico, Zeerust, 25th April, 1904.

Owing to the prolonged drought, agriculture was in a serious condition up to December, 1903. The splendid rains which then fell ensured an excellent harvest and put on their feet many of the small farmers, whose financial condition was critical. About $\frac{1}{150}$th of the district, the extent of which is 3,000 square miles, is under cultivation. The winter yield of wheat was bad, only 8,000 bags, the yield of an average season being 30,000 to 40,000 bags. The summer mealie crop is excellent, and estimated to yield 100,000 bags. The consumption of the district is about 10,000 bags, leaving a surplus of 90,000 bags for export. Owing to difficulties of transport, it is anticipated that the farmers will have the greatest difficulty in bringing this surplus to market. 500,000 lbs. of forage have been reaped, and the tobacco crop is expected to amount to 60,000 lbs. The yield of fruit has been fair. Oranges are the most important item, but difficulties of transport prevent farmers from obtaining a good market for them.

An Agricultural Show is to be held shortly, in which all the farmers of the district take the keenest interest.

POLICE.

The number of the South African Constabulary in the district on the 1st July, 1903, was as follows :—Officers, 5 ; non-commissioned officers and men, 175.

On 31st March, 1904, there were :—Officers, 5 ; non-commissioned officers and men, 129.

Order has been well maintained throughout the district, and the South African Constabulary have become a thoroughly efficient police force. Officers and men get on well with the people, who come to them on many occasions for advice, especially in the outside portions of the district. Periodical meetings of farmers are held at all South African Constabulary stations for the purpose of reading over and explaining new laws. A keen interest is taken in these meetings, and they are largely attended.

REVENUE.

The Revenue from the district is not very great, and is derived largely from Native Tax. This is coming in well, and does not appear to press at all hardly on the native population.

IRRIGATION.

The farming population appear to be waking up to the value of irrigation. There have been many enquiries with regard to the best machinery, and it is anticipated that the coming Agricultural Show, at which there will be a very good exhibit of pumps and windmills, will induce many to adopt up-to-date methods. 100 pumps and windmills have already been introduced this season.

ROADS.

Much has been done by the Public Works Department to improve the roads of the district. The work was undertaken with a view to giving employment to poor burghers, of whom from 300 to 400 were employed up to December, 1903. Very good results were obtained, and the roads are now believed to be as good as those of any other district in the Transvaal.

RAILWAYS.

The burning question in the district is the railway question. Until its advent the progress of agriculture can be but slight. At present Mafeking, 38 miles off, is the nearest railway station, and the distance of 900 miles from there to Johannesburg is prohibitive for produce. Given a railway, there is no reason why the Marico District should not become the granary and fruit garden of the Transvaal.

GENERAL HEALTH.

The general health of the district has been extremely good. There have been no epidemics and but few cases of enteric.

MINERALS.

The Marico district is rich in minerals, gold, lead, copper, and other minerals existing in payable quantities. Mineral options are held by Johannesburg firms on a considerable portion of the farms in the district. It is not, however, anticipated that much development work will be done during the next two years. The Malmani gold fields are shortly to be thrown open for pegging.

EDUCATION.

Extremely good work has been done by the Education Department. It is, however, much hampered by lack of funds for the building of permanent farm schools. Teaching in outside spots is at present carried on in canvas houses. Agitation against the present scheme of education is practically non-existent in this district.

POLITICAL STATE.

The period under review has been one of steady progress in this district. The feeling between Dutch and English has been becoming steadily more friendly, and, in spite of the efforts of a few agitators, the Dutch population has taken up a thoroughly loyal attitude. There is, however, a serious difference of opinion between the Boers who fought to the end and the "handsuppers." The latter, numbering about 300 in this district, have been forced to form a separate church of their own and there appears to be every likelihood of a permanent split between the two parties.

The tone of the district is satisfactory. The people generally show themselves extremely anxious to do what is right and seek the advice of the magistrate on all difficult questions. Crime is not at all prevalent. It is almost non-existent among the farming population.

CHARLES J. LEVEY,

Resident Magistrate.

No. 8.

MIDDELBURG.

Intermediate Report for the District of Middelburg, for the period from 1st July, 1903, to 31st March, 1904.

REPATRIATION.

(a) *Supplies.*—On the 30th June, 1903, the Repatriation Department was practically closed down, after having supplied for twelve months everyone in need with rations, stock, seed, and money. In some exceptional instances, however, assistance was still continued. The spring crop having turned out a failure, food supply had still to be imported, and that with the further assistance rendered by the Repatriation Department enabled the people to carry on in a passable manner. As stated above, the failure of the mealie crops, which provide the staple food of from about 80 to 90 per cent. of the people of the district, especially in the northern parts, was a great drawback and hardship to compete against. Poultry taken out by the farmers supplemented in a small way the food supply. In December last the Repatriation was finally closed. Between July and December, 1903, more or less the following number of orders for issue of rations were carried out :—To land settlement, on credit 100, for cash 200. To about 15 widows in very poor circumstances were granted free gifts of rations, and 10 goats or a cow and calf. In some cases building material (wood and iron) was also supplied free. Other issues on credit, about 30.

Since the depôt was finally closed, at the end of December last, Messrs. Meyer, Ltd., obtained the contract for the issue of supplies to only a very few and exceptional cases, *i.e.*, to indigent widows.

Under Circulars 141 and 160, dated 8th February and 10th March this year, two applications for stock were received and recommended, one on credit and the other on cash payment. Up to the present the stock has not yet been issued.

(b) *Claims.*—Two hundred and twenty-three protected burgher claims totalling £171,601 were received ; 152 of these were locally assessed at £45,587 against the M.C.F., and at £21,774 against the three millions ; the balance of 71 claims is at present in the hands of the Central Judicial Commission, Pretoria. The number of British subjects' claims received is 109, of which only 68 were locally assessed at £13,873 4*s.* 9*d.*, the rest being disallowed. Nothing has been paid out yet, but advances of two-thirds of the amounts assessed have been made on 36 claims.

The number of burgher claims falling under the three million received is 1,400. About half that number was locally assessed by the end of March at about £100,000. It is estimated that the balance will be completed at about the end of May.

No payments have been made in respect of any of these claims, but advances have been made in money and rations ; stock and seed have been issued to assist the people.

IRRIGATION.

In this district irrigation is confined to furrows led from spruits, fountains, and small dams. The Government has started no irrigation scheme yet. The Groot and Klein Oliphants Rivers, Seylons River, Steelpoort River, Sekaati's River, Bloed River, and Keerom Spruit form the main supply of water for irrigation in the district, and farms in close proximity to them reap the full benefit, and are well irrigated as a rule.

As far as the town of Middelburg is concerned, a portion of the erven has been made secure by the repair of the town dam, which had been completed by the Public Works Department in about January, 1903.

PUBLIC WORKS AND ROADS.

Considerable fresh services and important repairs were done by the Public Works Department in this district, such as the following :—

Large stables and outbuilding have been erected on the Native Commissioner's premises ; two large rooms have been added to the Resident Magistrate's office ; a Public Works Department Magazine on the townlands ; offices for the Native Commissioner and

Sub-Native Commissioner in the town ; temporary schools and buildings for the teachers on the farms ; a free school in town (in course of erection) ; new offices, stores, and workshop for the Public Works Department ; offices and quarters for the Controller of Passes at Witbank.

A new road between Tonteldoos and Roos-Senekal has been made, new roads between Roos-Senekal and the Lydenburg boundary have been commenced, but were stopped owing to the closing of the relief works. It is, however, intended to complete them by Kaffir labour during the next financial year.

Great relief was afforded by the Public Works Department to indigent burghers by giving them employment on the roads. The general condition of all roads in the district can be considered fair.

No new bridges have been erected, but several are required.

RAILWAY DEVELOPMENTS.

There have not been any new lines laid in this district, but several sidings have been constructed between most of the stations for facilitating the acceleration of the train service as well as for the convenience of the public.

PUBLIC HEALTH AND SANITATION.

Although there was no resident Government medical officer here for the last five months, still the Department of Public Health has been and still is represented to a certain extent. The district surgeon attends to the district, while the municipal medical officer attends to the town and municipal area. The mines have their own medical officers. All infectious diseases are reported according to law to the district surgeon.

During the month of March an outbreak of plague was reported from the Witbank Colliery compound. It was, however, in a very mild form, and only one or two deaths occurred amongst the natives. At present everything is quiet, and no fresh outbreak is anticipated.

Small-pox amongst the natives in the eastern part of the district on Steelpoort River, and also a few cases from the southern part, have been reported. Compulsory vaccination was at once enforced, and very few deaths resulted. The disease is rapidly dying out.

Sanitation practically affects only the town of Middelburg and the different collieries. The system of pail service is in vogue.

FORESTS.

This district is unfortunately debarred from the privilege of possessing any forests. A few plantations are, however, noticeable on some of the coal farms.

AREAS UNDER CULTIVATION.

There is great improvement under this heading. Farmers appear to have more energy and courage lately than they had twelve months ago, probably because they are better supplied with stock and agricultural implements. I do not think that including the native mealie gardens it would be exaggerating to estimate the area this year under cultivation at less than 20,000 acres.

NEW PRODUCTS.—Nil.

EDUCATION.

This is one of the most important features of the district. Middelburg District has received its due share. The Government, as it has done in other districts, has spared no means or measures for the education of the rising generation. The town and district can boast of good schools and capable teachers, in both languages. To assist population in general and the poorer classes in particular, all the schools in the district are free. A detailed report and return (marked A) is attached hereto.

POLICING OF DISTRICT.

The town and district may be considered as sufficiently policed. There are ten outside stations in charge of subalterns and non-commissioned officers, each post having from four to five men. In the town we have a district commandant and an assistant district commandant with a sufficient force of European and Native constables.

In the "labour area" in this district a special South African Constabulary Officer is detailed. Good work is done by the force in the district, especially in the task of recovering lost stock.

PRISONS.

Free prison labour was supplied to Public Offices, Library, Government Hospital, &c. The majority of prisoners was employed in gardening for the Prisons Department, and building the dam on the prison grounds for irrigation purposes. The prison grounds have been remarkably improved, inasmuch that the value of the grounds formerly was estimated at about £300, while at the present, after the recent erections were completed of an air motor and dam, they are estimated at £2,000. The vegetables, &c., raised on the prison grounds and despatched to Pretoria from time to time were as follows :—Mealies, potatoes, and mixed vegetables, 40,200 lbs., representing a value of about £420. All wood for prison use was drawn from the prison grounds by the uprooting of old stumps, &c.

Labour supplied to the municipality and others amounted to the sum of £3 17*s.* 6*d.* All transport for the prison was also done by prisoners. A return in detail showing the number of prisoners confined in the gaol during the nine months in question is hereto attached and marked B.

JUDICIAL REPORT OF WORK.

Owing to the repatriation work, which is still being continued, and of which the resident magistrate is the chairman, an assistant resident magistrate is still retained. Up to the end of December last there was a marked increase in the amount of criminal cases, but during the first quarter of this year the number has somewhat decreased. The civil cases, however, have greatly increased in number this year. The returns of both respectively marked C and D, which are attached to this report, speak for themselves.

Inquests and enquiries have also considerably increased, as will be noticed from the return marked E attached. As the resident magistrate, in his capacity as chairman of the repatriation commission, is mostly occupied in the assessment of claims &c., practically all the judicial work, the holding of inquests, presiding at meetings in the estates of deceased and insolvent persons, magisterial duties under the leper and lunacy ordinances, had to be left and was carried out by the assistant resident magistrate. Judging from the small number of serious crimes from the district, we must come to the conclusion that the District is in a fairly settled state, and also that the police are doing their duty in preventing crime.

A public prosecutor is attached to this establishment, and on him fell the duties of prosecuting for the Crown, and also of the clerk of the court. Since the establishment of the municipality, however, all municipal prosecutions have been conducted by the town clerk. At Pokwani, in the northern part of the district, a sub-native commissioner is stationed, who also holds the office of resident J.P., while at Touteldoos there was a resident J.P. up to the end of March. No periodical courts, however, were held at either place.

Since the declaration of a certain area within this district as a "labour district" cases of desertion by natives from the mines have decidedly decreased. It would appear that the measure has had a beneficial effect.

Return of lunatics and lepers, detained for want of accommodation in the asylum, marked F, is hereto attached.

GENERAL.

The Health Board has been under the control of the resident magistrate until the end of 1903, when it was superseded by the municipality. The town consists of four wards, having three members to each ward.

The district may be considered as very fairly settled, and its general condition satisfactory. With the exception of a few indigent widows, no cases of destitution have been brought to notice. The present crops promise well, and a good harvest is expected, notwithstanding the fact that lately some damage was done on the high veld to mealie crops by the early frosts. No serious damage by locusts has been reported during the last nine months. Horse-sickness was very rife, especially in the "Mapochs Gronden" and at Pokwani, and very few horses have been spared in that part of the district. Rhodesian redwater has also made its appearance in this district, and in particular in the northern parts. To such an extent did it spread that the whole district had to be declared infected, and thanks to the energy and timely precautions taken by the authorities, the spread of the disease has been arrested. The farmers in those parts are very much handicapped by the restrictions put upon the moving about of cattle. It prevents them conveying their products to the local markets, but unfortunately circumstances still prevent any relaxation, and the more intelligent farmers are quite agreed that the restrictions are necessary.

The principle coal area in this district has been proclaimed a labour district, and at Witbank a controller of passes has been appointed, which has greatly benefitted the industry.

From information gathered from various sources, it can be roughly estimated that the white population of the town and district, including the military forces, numbers between 11,000 and 12,000, and the standing black population at about 30,000, not including non-residential natives in the employ of the mines and elsewhere.

Notwithstanding the large native population, labour is almost unobtainable. Even local farmers complain in that respect.

The number of store and firms licenses issued by the Receiver of Revenue for the Town and District is 161, being 154 to Europeans and seven to Indians. Other miscellaneous licenses, such as for fire-arms, &c., appear on the return (marked G) hereto attached. Since the establishment of the Municipality, several kinds of licenses, such as billiard table, butchers, bakers, hotel-keepers, cafe and others of that nature, have been issued by the Municipality, thereby causing a considerable decrease in the Revenue receipts. A detailed return of the expenditure (marked H) is also attached.

In conclusion I wish to say that I regret that owing to the short space of time given, I have not been able to make this report as full and elaborate as I should have wished to.

R. G. Ousley,

Middelburg, 29th April, 1904. Resident Magistrate.

N.B. A return of the staff in this office is also appended (marked I), together with details of the various branches of work.

It is further worthy of note that during the first quarter of this year, two farms, Malewskop and Weltevreden, in the northern part of this district, were proclaimed as gold-bearing.

No. 9.

POTCHEFSTROOM.

Resident Magistrate's Office,

Potchefstroom, April 30th, 1904.

Sir,

I have the honour to forward herewith my Intermediate Report for the period 1st July, 1903, to 31st March, 1904.

Civil Administration.

Food Supply.—The abundant rains during the summer have enabled farmers to cultivate extensively, and a record crop for the district is expected. In consequence, most of the repatriated farmers will now be in a position to do without Government

assistance, and the destitution which has been so apparent since the cessation of hostilities will in this district gradually disappear.

Live stock of all kinds are being brought into the district in considerable numbers and are thriving extraordinarily.

Irrigation.—No public irrigation works have been inaugurated—the Mooi river and the Schoonspruit offer great possibilities, and with a proper system of conservation and distribution it would be possible to render available sufficient water for a very large increase in the area now under cultivation.

New Public Works.—I append a list of the works undertaken by the Public Works Department during the period under review.

Roads.—Comparatively little—as will be seen from the Public Works Department report—has been done in the way of road making, and as the roads have stood the stress of military traffic and floods since 1879, it will not be difficult to imagine their present bad condition.

Railway Development.—The construction of the Klerksdorp-Kroonstad Railway is proceeding, and the earthworks to the boundary of the Orange River Colony are practically complete.

Sanitation.—The townships in the district have now their local bodies, who are responsible for municipal matters, and great improvements are expected.

I attach a statistical statement of the working of the health board for the six months previous to the formation of the municipality.

Areas under Cultivation.—Old residents assure me that the acreage under cultivation during this season exceeds anything the district has ever before attempted. Until the compilation of the recent Census is completed it is impossible to give anything like a correct estimate of the acreage subject to agriculture.

Forests.—No forestry operation have been initiated.

New Products.—None have come under my notice.

SPECIAL ADMINISTRATION.

Under this heading the resident magistrate is responsible for practically all matters dealt with in recent proclamations and ordinances.

MISCELLANEOUS.

Nothing special to report for the term under consideration, as my periodical reports to that date have dealt fully with all matters of interest.

REVENUE AND EXPENDITURE.

Special report attached.

JUDICIAL.

Special reports attached.

I have, &c.,

J. B. Skirving,
Resident Magistrate,
Potchefstroom District.

No. 10.

PRETORIA.

Office of the Resident Magistrate,
Pretoria, 29th April, 1904.

THE SECRETARY TO THE LAW DEPARTMENT, PRETORIA,

IN compliance with your Minute, No. 1784/744, of the 23rd instant, asking for an intermediate Report for the period 1st July, 1903 to 31st March, 1904, I beg to submit the Report of this Department, which is as follows :—

1. ADMINISTRATIVE.

(a.) *Arms and Ammunition Ordinance.*—A return is attached (schedule marked "A") showing the number of licenses to retain firearms under the Arms and Ammunition Ordinance, No. 13, of 1902, issued.

(b.) *Poison Permits.*—A return is attached (schedule marked "B") showing number of permits issued under Law 12 of 1886.

(c.) A return (schedule marked "C") is attached, showing number of cases dealt with in this Department under the Marriage Law.

(d.) Stock diseases, such as lung sickness and red-water in cattle, have always been prevalent in this district.

The administration of Ordinance No. 17 of 1902, and the regulations thereunder, have had the effect of bringing about a marked diminution of cases of these diseases.

Unfortunately the cattle disease known locally as "Rhodesian Tick Fever," a disease endemic on certain of the east coast belts, has broken out in this district. Veterinary science has, as yet, discovered neither remedy or preventive measures for this most deadly disease.

Unfortunately, before the regulations could be enforced the disease obtained a good hold in the district. The strict enforcement since of the regulations has had the effect of effectually stopping the further spread of the disease in this district. The question before the country now is the eradication of the disease in areas where it has broken out and still has a hold.

A local advisory committee on cattle diseases, consisting of the Resident Magistrate, the District Commandant of the South African Constabulary, and three farmers in the district, consisting of Messrs. D. J. E. Erasmus (Ex-General), D. P. Liebenberg (Ex-Commandant), and P. L. Uys (Ex-Field Cornet and Commandant), was constituted in this district, and has had two meetings, at which certain recommendations were made to the Government on the question of the eradication of this and other diseases.

The great difficulty the authorities were confronted with at first was to convince the Boer farmers that the desease was a new and deadly one, and that the infection was transmitted by the agency of ticks. The establishment of this Local Advisory Committee has had the happy and desired result.

The farming population, which is almost entirely a Boer one, has loyally abided by the regulations, notwithstanding their want of faith in the Veterinary Department at the start.

Glanders and other infectious diseases amongst horses and mules were most prevalent after the war. These diseases have, as the result of the enforcement of the regulations, almost entirely disappeared. Horse sickness is most prevalent in the district, and the discovery of a remedy or preventative for this disease will prove a great boon to this district.

I append return (Schedule marked "D") in regard to stock diseases.

(e.) *Liquor Ordinance.*—During the period under review one ordinary and two special sittings of the Liquor Licensing Court were held.

I attach return (schedule marked "E") showing business transacted by the Liquor Licensing Court during the period now under review.

(f.) *Jury List.*—A jury list for the year 1904 was framed for the area within a radius of six miles from the Court House of the Resident Magistrate.

(g.) *Diamond Ordinance.*—During the period under review, diamonds weighing 195,739½ carats and valued at £264,649 2*s.* 3*d.*, were found in this district and registered in this office.

II. SPECIAL ADMINISTRATION DUTIES.

(a.) *Repatriation.*—The assistance granted to ex-burghers during the period under review was almost entirely by way of relief to the indigent. I do not consider that any further relief will be required after 30th June next. A list has been prepared of widows, orphans, aged, and infirm, for whose relief a grant will be made and distributed to those concerned through the different Dutch Reformed Churches. Re-settlement loans were granted to farms to an amount of £3,375 on security of property showing an appraised value of £11,432. Certain British settlers were also granted assistance to an amount of £609 2*s.* 2*d.*

(b.) *Assessment of War Losses*—

1. *British Subjects*—

Number of claims examined and forwarded to the Central Judicial Commission	777		
Total claimed	£404,085	6	9¼
Amount paid to claimants through this office alone	£60,885	3	0

2. *Ex-Burghers*—

Number of claims assessed and forwarded to the Central Judicial Commission	3,002		
Amount claimed	£2,016,362	0	0
Amount disallowed	£810,487	0	0
Amount assessed	£1,205,487	0	0

III. REVENUE AND EXPENDITURE.

(a.) This office is not, properly speaking, a Revenue Office. The general revenue for the district is collected by the Civil Commissioner. The only source of revenue received at this office is judicial fines. Return of fines is attached, marked Schedule F.

(b.) *Expenditure.*—Expenditure return attached (Schedule marked G).

IV. JUDICIAL.

Returns are attached showing :—

(a.) Number of Civil Cases dealt with by the Courts of this Department. (Schedule H.)

(b.) Number of Criminal Cases dealt with. (Schedule marked I.)

(c.) Number of Inquests and Investigations by Justices of the Peace, held. (Schedule J.)

(d.) Number of cases dealt with under the Lunacy Ordinance. (Schedule K.)

(e.) Number of Leprosy cases dealt with. (Schedule marked L.)

GENERAL REMARKS.

The country district has remained quiet and peaceful and the general behaviour of the Boers in the district has raised absolutely no cause for anxiety. They have remained quite and have proved themselves most law-abiding. The measures taken for the taking of the Census at first created a feeling of uneasiness amongst these people, many of whom feared that the taking of the census was merely the precursor of additional and heavy taxation and the expropriation of their land. Two meetings were held by me at different points in the District, at which the Census and several legislative

enactments directly affecting the farming population were explained to the people. As a consequence all feeling of uneasiness disappeared, and a promise of co-operation and assistance in the matter of the Census was given at each of the meetings in question.

Bounteous rains have blessed the land and heavy crops have resulted, to the great benefit of the farming population.

The financial depression has been acutely felt in this district, and relief works on the roads were started by the Public Works Department in the country, and by the Municipal Authorities in the town. The Public Works Department has since discontinued relief work.

H. Rose Innes,

Resident Magistrate.

No. 11.

RUSTENBURG.

Report on the Rustenburg District, July 1, 1903, to March 31, 1904.

REVENUE.

The total revenue from July 1, 1903, to March 31, 1904, amounts to £13,545 15s. This amount includes a sum of £3,000 Native Hut Tax. Owing to the taking of the Census, the Tax will not be systematically collected till May next, and is expected to yield a further sum of £17,000.

The revenue for the quarter ended 31st March, 1904, shows an increase of £3,893 18s. 11d., as compared with the corresponding quarter of 1903.

The total expenditure in the district cannot be locally ascertained. The nett expenditure of the Resident Magistrate's establishment from 1st July, 1903, to 31st March, 1904, amounts to £2,901 11s. 3d. This includes the administration of justice.

PUBLIC WORKS.

Various Public Works have been in contemplation, but none of any importance have been carried out. A railway has been surveyed from Krugersdorp to Rustenburg, which would prove of immense value to the agricultural districts. It is proposed at some future date to continue this railway to a point on the line from Mafeking to Bulawayo and so open up a direct communication with the Cape Colony and Rhodesia. It was also contemplated to erect a hospital in Rustenburg, but this scheme has been abandoned, and the temporary hospital is about to be closed down.

MINERALS.

There have been many prospectors in the district, and many transactions in "Options," but it is unlikely that there will be any boom until the railway is an accomplished fact. Gold, copper, and diamonds are the minerals most sought for, and there are persistent rumours of the discovery of a coalfield.

POPULATION.

No statistics are yet available from the Census. The white population will probably prove to be from 8,000 to 10,000, and the native, roughly, 40,000.

AREA UNDER CULTIVATION.

There has been little or no increase in the area under cultivation, which I estimated on a former occasion to be about 27,500 acres. Several causes are accountable for this. The British settlers up to the present are men with little if any capital, and are doing little more than keep their heads above water. Ploughing convoys were sent through the district and ploughed a sufficient area on each farm at a nominal price to enable enough seed to be sown to feed the people. The outbreak of Rhodesian tick fever has

seriously crippled the efforts made to relieve distress, as a strict quarantine has had to be placed on all infected farms, which has prevented the farmers from adopting their usual method of interchanging oxen for farm purposes.

There has been no importation of agricultural machinery into the district. The difficulties of transport have been very great owing to the prevalence of horse sickness among horses and mules in addition to the disease amongst cattle. Donkeys are gradually being introduced to relieve the pressure and enable produce to reach a market.

The agricultural prospects are now brighter. Wheat, oats, mealies, and Kaffir corn have been excellent in quantity and good in quality. Oranges will be a magnificent yield. The rainfall has been 31½ inches, and all fear of a drought this winter is at an end. A bi-weekly market has been established for all kinds of farmer's and garden produce, and has proved very successful, though the quality of fruit and vegetables leaves much to be desired.

EDUCATION.

The following statistics will show that progress has been made in the vital point of education, and that the people are beginning to appreciate the advantages extended by the Government schools as contrasted with those offered by the private schools run under the auspices of the "Dopper" Minister. These latter number 14, and are in considerable need of funds.

Number of Government schools open 1st July, 1903	34
Do. do. do. 31st March, 1904 ...	42
Number of Scholars on 1st July, 1903	1,262
Do. do. 31st March, 1904	1,611
Number of Permanent School Buildings 1st July, 1903 ...	17
Do. do. do. 31st March, 1904 ...	27

The Boer farmers are unwilling to grant leases for permanent buildings without a written guarantee that native children will not be admitted into schools for white children. I have personally visited various schools in the district from time to time, and have been gratified at the results already achieved.

ADMINISTRATION OF JUSTICE.

The following statistics show the volume of legal business in the Resident Magistrate's Court :—

(*a*) Criminal—

Preparatory examinations	9	
Remitted cases	3	
Review cases	10	(confirmed on review, 9).
Minor offences	265	
Total	287	

Principal Minor Offences—

	Per cent.
Native pass law	21·5
Petty assaults	11·6
Petty thefts	9·8
Masters and servants	9·4
Liquor law	8·3
Diseases of stock	7·5

Total number of European cases disposed of	80
Total number of Native cases disposed of	207
	287

(b.) *Civil:*—

Cases adjudicated upon.

No.	Nature.	Amount Assessed.	No.	Nature.	Amount Assessed.
19 ...	Liquid	£ s. d. 751 8 2	26 ...	Illiquid	£ s. d. 404 8 9

Cases withdrawn.

No.	Nature.	Amount Claimed.	No.	Nature.	Amount Claimed.
9 ...	Liquid	£ s. d. 896 18 9	11 ...	Illiquid	£ s. d. 695 15 7

GENERAL.

The farmers are anxiously awaiting the payment of the claims for compensation. They are being pressed by the Treasury for payment of arrears of interest on bonds of the late Government, by the Repatriation Department for payment of supplies issued on credit, and by private creditors.

I have been obliged to continue assistance to 56 widows, together with the younger members of their families, and it will be a serious matter to decide what is to be done with these people in future, as most of them have no property of any description beyond a few sticks of furniture.

H. KEMBALL-COOK,
Resident Magistrate.

No. 12.

STANDERTON.

Office of the Resident Magistrate,
Standerton, Transvaal,
30th April, 1904.

REPORT ON THE STANDERTON DISTRICT.

1. CIVIL ADMINISTRATION.

1. *Food Supply.*—Owing to the failure of the 1903 harvest food was by no means plentiful from July the 1st till the end of the year, but since then conditions have been easier. A large number of farmers continued to draw rations from the Repatriation Department until December, but since that date it has not been found necessary to render assistance of this nature to any except widows with families, eight of whom are still receiving rations.

At the moment of writing there is every prospect of an abundant harvest and that for some time to come the staple agricultural products will be plentiful and cheap.

2. *Irrigation.*—There are no irrigation works of any consequence in the district. Since the war, although more attention has been given to cultivation of the soil than formerly, practically all crops are grown in dry lands. Dams exist on many of the farms, but these are only used for stock.

3. *New Public Works.*—A special report under this head is being prepared by the Public Works Department, Pretoria, and will be submitted to the Secretary of State.

The residence of the Resident Magistrate, and the District Engineer at Standerton have been completed and are ready for occupation, that of the District Engineer being already occupied.

The most important work now in progress is a stone bridge crossing the Spruit in Burgher Street, Standerton. This is nearing completion, and promises to be a most useful and ornamental structure.

Small girder bridges are being erected on the larger spruits and streams crossed by the main road from Standerton to Ermelo.

All South African constabulary posts in the district are now supplied with suitable quarters.

4. *Roads.*—The roads in the Standerton district have been put in repair, and are in a better condition than they have been for many years, the deeper ruts and small spruits having been filled up on the main roads.

5. *Railway Construction.*—Work on the Springs-Ermelo Railway is now proceeding, and it is expected that the earthworks from Springs and Bethal will be completed by the end of the present year.

6. *Health and Sanitation.*—The health of the town and district has been remarkably good. There has been practically no contagious disease with the exception of a few cases of enteric, which have been mostly confined to the troops stationed here. There have been no cases of small pox.

The returns of lunatics and lepers are attached hereto (*see* Schedules).

The suggested purchase of the property now known as Grey's Hotel for a district hospital seems to meet with general approval, and there is much to be said in favour of its adoption. The present hospital is only a temporary one, originally taken over from the Burgher Camps Department.

The accommodation is very limited and its position on the S.E. side of the Vaal River about two (2) miles from town is also a serious disadvantage.

With regard to the sanitation of the town, this is attended to by the municipality, and the same methods are employed as in other town in this colony and work satisfactorily.

7. *Forests.*—There are no forests in the district, the high veldt of which Standerton forms a part possessing no natural timber or scrub ; it would appear to have been always treeless, yet if there is one thing more than any other conspicuously lacking to enhance the appearance of the landscape, to provide shade in summer and shelter in winter, it is trees. Some time ago the Agriculture Department contemplated planting 500 acres of trees near Standerton, but being unable to arrange for suitable ground with the local authorities nothing was done.

It is to be hoped that the scheme will yet be carried out.

8. *Areas under cultivation.*—The area under cultivation in the district during the past season was larger than ever before. This expansion is easily accounted for. Before the war landowners depended almost entirely on stock farming and gave very little attention to the cultivation of the soil beyond growing sufficient of the staple crops for their own consumption.

Since the war, however, as the country was largely denuded of stock, farmers have been obliged to devote their energies to the production of maize, oathay, potatoes, pumpkins, kaffircorn, and barley for market. This is most apparent in the vicinity of Standerton and of the railway generally ; but even 20 and 30 miles distant from town or railway farmers have in almost every instance grown more than is actually required for their own needs.

During the season 1902–03 it was estimated that about 16,000 acres were under cultivation, while during the season just past the estimate is 30,000 acres.

Maize is the principal crop.

9. *Live Stock.*—Standerton has always been regarded as one of the best horse-breeding and wool raising districts in the Transvaal, the veldt and climate being eminently suited to both horses and sheep.

The number of sheep in the district, including Bethal, before the war was estimated at about 600,000.

Needless to say that during the war the country was absolutely denuded of stock. Since the conclusion of peace, however, the importation of stock has gone on constantly and continually.

The Census Department will shortly be able to furnish correct figures as to the numbers of horses, cattle, and sheep in the country. I should not attempt to strike an estimate, as importation is daily taking place, especially with regard to sheep. The importation as far as sheep are concerned will cease this month for a time as Standerton is too cold, and farmers are already trekking to warmer parts for winter.

There has been very little stock disease in the district during the past nine (9) months. A few cases of scab among sheep, one or two cases of lung sickness among cattle, and one or two cases of glanders among horses.

Rhodesian redwater has only once appeared in the district, being confined to one lot of imported cattle, and in my opinion it is unlikely that this disease will ever make serious headway on the high veldt.

10. *Special Administrative Duties.*—Most of the special administrative duties which on the 1st July, 1903, were in the hands of the Resident Magistrate have now ceased to exist.

The Repatriation Department here was closed at the end of the year and as already stated all issues of rations to farmers and others are at an end.

All British, Foreign, and Burgher claims for compensation have now been dealt with and sent on to the Central Judicial Commission for final assessment or otherwise.

The Municipality has now been incorporated and the Resident Magistrate is now relieved of the duties imposed upon him as Chairman of the Health Board.

An Official of the Repatriation Department whose duty it is to collect all outstanding debts of the Department is now in this office and works under the Magistrate's supervision.

11. *Miscellaneous.*—As already stated nearly all the special administrative duties existing after the war have gradually disappeared, and it has been possible to reduce the Magisterial Staff in the district considerably.

Further reduction will be made at the end of June on the abolition of the Offices of Public Prosecutor and Messenger of the Court, and a great saving will be effected by the Native Affairs Department on the absorption of the Sub-Native Commissioner's Office into that of the Resident Magistrate.

On the 1st July, 1903, the salaries of Magistrate (including A.R.M. and Staff, Bethal), Sub-Native Commissioner, and their respective Staffs aggregated £6,511.

On the 1st July, 1904, the Sub-Native Commissioner's office will have been absorbed, and the post of Messenger of the Court abolished, and the aggregate salaries will amount to £3,634, shewing a total reduction of £2,877.

With regard to the taking over of the Native Administration of the district, I do not anticipate the slightest difficulty. Indeed, I have always felt that in a district like this, where all the land is held by European owners, and where every native inhabitant lives under a European master, there being no Government or private locations, and no native reserves, the native is essentially part of the community, and should not be treated as foreign to it and governed by special administrative machinery.

On taking over the Sub-Native Commissioner's office, I propose to delegate all the duties to one of my present staff. I do not think that any difficulty will be experienced in collecting the Native Tax.

All natives will be warned to pay by the South African Constabulary instead of by constables of the Native Affairs Department as heretofore.

J. YOUNG,

Acting Resident Magistrate
for the District of Standerton.

LAW REPORT.

Standerton District. For nine months ending 31st March, 1904.

Crime.—During the nine months ending 31st March last, 558 criminal cases have been dealt with in the Resident Magistrate's Court, Standerton, involving 839 accused persons in all ; 704 of these were convicted. (See Schedules "A" and "B" attached.)

The proportion of serious crime has not been large, only four cases having gone to superior courts for trial—four cases of housebreaking and theft.

In three other cases in which preparatory examinations were taken, the Attorney-General declined to prosecute.

There was a marked decrease in the number of criminal cases towards the end of the period under review, due no doubt to the fact that the country is settling down into its normal condition, and that the evil effects of war on public morality are becoming obliterated.

Civil Cases.—(See Schedule marked "C" attached.) There has been a marked increase in the number of civil cases recorded, owing no doubt to the general financial depression now prevalent.

Inquests.—Only five inquests have been held. (See Schedule "D.")

J. YOUNG,
Acting Resident Magistrate.

Standerton,
30th April, 1904.

No. 13.

WAKKERSTROOM.

REPORT ON THE WAKKERSTROOM DISTRICT. PERIOD, 1ST JULY, 1903, TO 31ST MARCH, 1904.

GENERAL.

Wakkerstroom District is situated along the north-eastern corner of the Orange River Colony, and the northern border of Natal. Its eastern border is Swaziland.

The western half is high veldt (5,000 to 7,000 feet above sea level), and famous for its sheep, horses, and cattle. Horse sickness is unknown there, while scab and cattle diseases are more uncommon than elsewhere. The climate is very cold during winter nights, with hard frosts, ice, and occasionally snow. The summers are never hot.

The eastern portion of the district, with Piet Retief, is not more than 3,500 to 4,500 feet. Horse sickness occurs in Piet Retief every year, while for the last eight months virulent Rhodesian redwater has destroyed numbers of cattle there. The climate is semi-tropical ; usually two good crops of forage are obtained. Tobacco is extensively cultivated, and oranges are very plentiful. The climate is fairly healthy.

Excellent and abundant coal is obtainable in many localities, especially midway between the railway and Piet Retief, and some 50 miles from the railway. Lack of transport, especially during the strict quarantine regulations now prevailing, is retarding the development of this valuable industry. Gold is being very extensively searched for ; also petroleum, and indications are most promising.

The railway cuts through the western corner of this district, which is otherwise entirely dependent on roads. A deal has been done to these, but the neglect of two and a half years war has not yet been made up, and permanent road gangs must be maintained.

On the whole the farmers are well-to-do and progressive—more especially on the high veldt.

There is telegraphic communication between Volksrust, Wakkerstroom, Piet Retief, Amsterdam, and Amersfoort.

Census returns are not yet published.

1. *Food supply.*—Farmers were short of animals to plough with, so not as much ground was sown as might have been. Rains fell very conveniently and large crops of mealies and forage are expected everywhere. All stock, except in Piet Retief, have done well ; the lambing season quite up to normal. No disease, except scab on sheep, imported from Cape Colony by rail to three farms. Rhodesian redwater bad among cattle in Piet Retief and on the Repatriation Department's farms for the last eight months and constantly recurring ; but owing to very strict supervision no cases have appeared across that border.

The high veldt of Wakkerstroom is famous for its sheep and horses and also cattle. Prices of all stock abnormally high.

2. *Irrigation.*—Two farms near Volksrust now cut up into numerous small holdings, two farms near Wakkerstroom owned by three well-to-do farmers, and the Assegai Valley, Piet Retief, form well irrigated areas. The Wakkerstroom Town Vlei could be made excellent arable land with some draining at moderate cost. Total area fairly easily irrigated about 8,000 morgen (16,000 acres).

3. *New Public Works.*—Efficient water supply most urgently required for :—

(*a*) Wakkerstroom.	Town population with natives	1,000
(*b*) Piet Retief town.	,, ,, ...	600
(*c*) Amersfoort town.	,, ,, ...	200

The above have no water supply whatever.

Volksrust has an insufficient supply : population 1,500.

Hospitals required at Volksrust (large), Wakkerstroom (small) and at Piet Retief (small).

Police stations with police cells required urgently at Wakkerstroom, Volksrust, Piet Retief and Amersfoort. Police cells only at Schoongezicht and Vryheid.

Magistrate's house required urgently at Piet Retief.

Government offices required at Amersfoort, and conversion of those at Volksrust into a hospital and new ones built on a better site.

Bridge badly needed over river Assegai near Piet Retief. Allowed for in 1903 Estimates but not begun.

4. *All the roads* in the district require constant attention. It is absolutely imperative to keep the main routes in thorough repair, and standing road gangs must be kept as under the late Government. A road gang of burghers in this district working under a burgher (who for the last 15 years has been employed on roads) has done most excellent work. I advocate most strongly the employment of burghers (Bywoner class) in these gangs at 5*s.* per diem, with rations.

5. *Branch railways* are bound to come very shortly, viâ Amersfoort, from Ermelo to Volksrust, and from latter place to Wakkerstroom. Abundance of excellent surface coal between Wakkerstroom and Piet Retief, but transport thereof by wagon is so costly it does not pay to work.

6. *Sanitation.*—Bucket system, under supervision of the Urban District Boards at Wakkerstroom, Volksrust, Piet Retief, and Amersfoort. No sanitary arrangements on farms exist.

7. *Forests.*—Small areas of bush still exist along River Pongola owing to wholesale destruction of timber some years ago.

8. *Areas under cultivation.*—About five times as much ground is under cultivation than was before the war, and farmers are extending that area now—they only want money to develop the country. Infinitely more attention is now paid to agriculture, as it has to keep the farmer—and not stock transactions as heretofore.

9. *New products.*—Experiments in tobacco culture in Piet Retief have not been particularly successful so far, but the enterprising farmer, a Britisher, has not lost heart yet.

Fruit culture not yet developed, but the impulse given thereto by the lectures of Mr. Davies, Agricultural Department, bodes well for the future. The young fruit trees sent to these parts are doing well.

Petroleum is being diligently worked for in two localities.

(10) *Special administration duties* :—

(a) Resident Magistrate at Wakkerstroom, Assistant Resident Magistrates at Volksrust and Piet Retief—Resident Justice of the Peace at Amersfoort with Staffs.

Justices of the Peace in different parts of the district.

Periodical courts held at six centres other than the towns.

(b) *Native affairs.*—Commissioner and two sub-commissioners to be reduced to two officials instead of three on 1st June, 1904.

(c) *Repatriation and compensation claims.*—A colossal amount of work from July till November, when all claims were completed.

All repatriation depôts in this district were closed at the end of December.

A few burghers were paid out their claims in November, but none since, and consequently a good deal of grumbling about delay.

(d) *Prevalence of Rhodesian redwater* in Piet Retief, and cattle restrictions between Transvaal and Natal cause a great deal of extra work.

(e) *Liquor Licensing Court* for the district.

The resident magistrate is chairman with certain selected residents as members.

(f) *Farmers' Association.*—Recently formed and working well.

MISCELLANEOUS.

Destitution.—About 130 poor and helpless widows and old men have been given grants of rations, building materials, cow and calf, £5 in lieu of fowls. Many other families have had rations, &c., on credit.

Amount of loans issued by Repatriation Commission about £5,000, as against from £30,000 to £60,000 in other districts.

Education. Government schools :—

Free schools	4
Fee paying	2
Farm schools (in July) 14, (now)	11
Pupils (in July, 1903) 842, (now)	777
Teachers (now)	29

Post and telegraph offices, 6.

Post agencies, 7.

Medical Men.—Three Government surgeons receiving small retaining salaries ; four private practitioners.

Veterinary Officials, three.

Police.—South African Constabulary—total strength 147, including six officers, now reduced to four officers. These are stationed in 21 different localities.

URGENT REQUIREMENTS.

(1) Upkeep of roads.

(2) Encouragement of improvement in breed of cattle, horses, sheep, and particularly, and in order to help bywoners and new settlers without capital, opportunities of breeding good pigs and fowls.

(3) Establishment of hospitals on small scale.

(4) Small lock-ups at Schoongezicht (60) and Amersfoort.

(5) Government offices at Amersfoort.

W. G. Bentinck, Major,
Resident Magistrate.

No. 14.

WATERBERG.

INTERMEDIATE REPORT ON THE DISTRICT OF WATERBERG FOR PERIOD 1ST JULY, 1903, TO 31ST MARCH, 1904.

The district of Waterberg, situate in the North-Western Transvaal, is one of the largest districts in the country, comprising as it does some 2,400 farms.

Notwithstanding its size it is very sparsely populated as far as Europeans are concerned, but has a large native population.

It is estimated that the white population would comprise about 6,000 souls, whilst the natives number about 70,000. There are three villages in the district, viz., Nylstroom, the seat of magistracy, Potgieter, and Hartingsburg. The soil in the district is of three different kinds, black and red loam and sand.

The climate is sub-tropical, the summer months being hot, but the winter very mild.

The district, except for the scarcity of water owing to want of irrigation works, is well adapted to the growth of cereals of every kind, and also fruit growing, it being possible to grow all sub-tropical and many tropical fruits. The district is also well suited for cattle farming, containing as it does both high and bush veld, the former for summer, the latter for winter grazing. Sheep, however, except those known as Afrikander or Kaffir sheep, do not thrive, nor, owing to prevalence of horse-sickness, is it suitable for horse breeding. The useful little donkey, however, thrives well, and is one of the most useful transport animals here. The district is on the whole very well, and in the bush veld very densely wooded. The trees, however, grow to no very great size, and the wood is chiefly used for fuel, mining, and fencing poles.

Large tracts of the district are still unoccupied, the Government and various companies holding between them about 1,500 farms.

The district is thought to abound in minerals, gold, copper, &c., but whether in payable quantities has not yet been ascertained.

A railway line passes through the Eastern portion of the district from South to North, being the line from Pretoria to Pietersburg.

There are various "hot springs" in the district the most famous being the one at Warmbaths, Hartingsburg, the water in the spring rises to the surface at a temperature of 140 degrees. It is said to contain great healing powers in cases of rheumatism and such like diseases.

A large number of bath houses have been erected by Government, and these are in charge of a caretaker and are used by the public at a small charge. During the winter months large numbers of people from all parts of the country frequent these baths. There is one large hole in close proximity thereto, and it is understood that in the near future a very large Sanatorium run on the very latest lines is to be erected.

With proper irrigation works, suitable places for storing water can be found—the district should become one of the best pastoral and agricultural districts in the Transvaal. Since the late war a large number of settlers have come into the district, and they are directly under the lands department. As these men are farmers from other countries, chiefly Australian, they should be a great acquisition to the country as being mostly progressive farmers they should be able to introduce to the ordinary farmer of the district new and improved methods of farming, but I consider that to make their farming a success irrigation works of some sort to supply them with water should be formed.

CIVIL ADMINISTRATION.

There is one Resident Magistrate for the district, whose headquarters are at Nylstroom, and is assisted by a staff of clerks, and he also holds a fortnightly Court at Potgieter, and is responsible for the administration of the whole district. Besides the Resident Magistrate there is a Native Commissioner for the whole district, with head quarters at Hartingsburg, assisted by Sub-Native Commissioners at Nylstroom and Potgieter.

The Native Commissioner and his Sub-Commissioners attend to matters purely "Native" in the first instance, but also act as Resident Justice of the Peace in minor cases where white persons are affected outside a 20 mile radius of the Resident Magistrate's Court.

A District Commissioner of Lands has his head quarters at Nylstroom, and is entrusted with the care of Government lands and also the care and management of settlers aided by and settling on Government ground.

FOOD SUPPLY.

This district in normal times has always been capable of producing its own food supplies. The chief food supplies of the farming population are meat, meal, and mealies, and of the natives mealies and Kaffir corn.

Owing to the splendid climate and good soil in ordinary seasons, accompanied by fair rains, the district is capable of producing cereals of every kind, also tobacco, and almost every kind of fruit grows well.

Given fairly good seasons there is no reason why large quantities of mealies, Kaffir corn and fruit should not be grown here for sale on other markets. To make this to be done irrigation works on a large scale, where necessary with Government aid, will have to be gone in for.

The present season, however, has been much better, and as good rains have fallen throughout the district there has been a good mealie harvest.

Owing, however, to all the cattle having been taken or destroyed during the war, very few farmers now have cattle for slaughter, and the Rhodesian tick fever, which has appeared in the district, is, I am afraid, likely to sweep off the greater part of the few cattle still remaining, though at present it is not spreading.

IRRIGATION WORKS.

There are at present no irrigation works in existence in this district. There are no storing dams of any kind worth mentioning. In the few instances where farmers have lands under water, they are enabled to lead water from some running stream by the simple means of a furrow.

I think that if deep bore holes were put down in various places a large supply of water could be obtained, and also if dams were constructed at suitable places, of which I understand there are many, large quantities of water could be stored.

In most cases, where the opportunity offers, the individual farmer is too poor to go in for irrigation works on any large scale, unless assisted by Government in the shape of loans and suchlike.

I would strongly recommend to the consideration of the Government the desirability, when possible, of making dams for storage of water, and thus making more land to be brought under cultivation.

NEW PUBLIC WORKS.

With the exception of the roads, which will be dealt with in the next paragraph, there have been no new Public Works erected in the district during the year in question. It is intended in the near future to build a Resident Magistrate's residence at Nylstroom, and I would also recommend the building at Potgieter of a small lock-up and offices in which the fortnightly Periodical Court would be held.

ROADS.

The roads in the district consist chiefly of the main road from Pretoria to Pietersburg, which passes through the villages of Hartingsburg, Nylstroom and Potgieter. A road leading from Nylstroom through Zand River's Poort to the Back Country, and a road leading from Nylstroom to the Zwager's-hoek ward of the district.

Under the late Government these roads were repaired and maintained under contract, the various contractors in the different sections having to repair and then maintain for three years the various sections of the road.

During the war, however, owing to the abnormal traffic and want of repair, these roads got into a fearful state. Since the war the Public Works Department have been at work on the road between Nylstroom and Zand River's Poort.

There is at present one railway through the district from Pretoria to Pietersburg. This connects the district with all other parts of South Africa. I do not think that at present that any further railway developments in this district are required.

It is thought that there is gold in the district and that it will soon be prospected. A company is at present taking up farms and should any payable goldfields be discovered, these may accelerate the development of the railway. I don't think that the agricultural prospects will warrant such in the near future.

SANITATION.

During the year an Urban Board was established in the towns of Nylstroom and Potgieter.

With the extended powers the new Board has over the late Health Board of assessing rates and such like the town should benefit greatly by the introduction of an intended water supply scheme and street making, &c.

FORESTS.

The district thoughout is naturally very well wooded, but no attempt has yet been made by the inhabitants to go in for tree planting, with the exception of a few fruit trees mostly of an inferior kind on each farm.

But there cannot be said to be even the slightest attempt at forestry.

The natural trees do not grow to any great size, and are practically useless except for mining and fencing poles, and firewood. There is no reason, however, why valuable trees should not be grown as all the circumstances are in favour thereof.

AREA UNDER CULTIVATION.

The area under cultivation in proportion to the size of the holdings is very small indeed.

Prior to the war this district was, as has been remarked before, chiefly pastoral. Large herds of cattle were held, and very few farmers grew much more than was required for their own consumption.

Since the war, however, I think people have come to understand that a living can and must be obtained from the ground.

A good number of British settlers have been placed in that part of the district known as the Springbuck Flats and a large area of ground whieh was never turned before is now being worked.

NEW PRODUCTS.

So far no new products have been introduced here, the farming is still going on in the way it has gone for generations ; a corn and forage crop followed by mealies, with a few potatoes put in, year after year.

The climate and soil being favourable I think that much ground which is now devoted to mealies could be better employed and made more profitable if it were made to carry fruit trees, as fruit can in many places be ripened in this district before almost any other, and the railway brings us within easy range of the important markets.

SPECIAL ADMINISTRATIVE DUTIES.

The administrative duties in this district devolve as regards Europeans directly on the Magistrate, and as regards natives on the Native Commisssioner under the Magistrate.

MISCELLANEOUS.

This district, like others, has not yet recovered from the effects of the war. Prior to the war there were practieally three classes of people in the district :—

a. The man who was a landowner and also had a number of cattle.

b. The man who though he had no land of his own, still possessed a large number of cattle and was a lessee of ground from some one else.

c. The man who had no ground and few, if any, cattle of his own.

During the war all or most of the cattle in the district were taken or destroyed, and now people are practically divided into two classes, the man who is a land owner and the man who is not.

Unfortunately having lost all his cattle the man who owns ground even cannot do much towards assisting the man who has no ground, and though the former could by raising money on, or realising his ground, have provided food for himself. There is no doubt unless the Government had come to the assistance of these people in the way it did very many of them would have starved to death.

Everything that possibly could have been done by Government has been done. Immediately on their return to their farms, after the war, these people were supplied with rations, seed, implements, &c.; then many loans and issues of draught animals were made to them. In cases of widows and persons who could not find the necessary security to obtain loans of animals Government sent out spans of mules, &c., to plough for them. Had it not been for the unusual drought which has prevailed since the war, with the great assistance rendered by Government, the people would now have been fairly well to do. As it is, to-day there is not one family, or person even, who is in a state of actual destitution or in want of food or clothing.

The feeling existing between the farmers and the Government is, I think, most satisfactory. Farmers realise that every thing that possibly can be done is being done for them. There will always be a few malcontents, but the people on the whole, I think, are well satisfied with the change of Government.

REVENUE.

The total revenue collected during the period 1st July, 1903, to 31st March, 1904, amounted to £23,160 14*s.* 3*d.* as per statements attached hereto.

There is no mining revenue at present in this district.

The above amount of revenue does not include revenue received from the postal and telegraph departments nor from the railways.

Return of Liquor Licences in the Waterberg District existing on the 31*st March*, 1904.

General retail liquor licenses	2
Bottle store liquor licenses	2
Hotel liquor licenses	3
Wayside hotel liquor licenses	4
Railway station liquor licenses	2

A. R. ORSMOND,
Resident Magistrate.

Nylstroom, 7th day of May, 1904.

No. 15.

WITWATERSRAND.

Interim Report for the Witwatersrand District for the period from the 1st July, 1903, to 31st March, 1904.

I will follow the lines of my previous reports, and deal separately with Johannesburg and with the other portions of the Witwatersrand Magisterial district, consisting of the former districts of Krugersdorp, Boksburg and Germiston. I append tables of statistics giving figures for the whole district, as also for its component parts. These figures deal chiefly with cases, civil and criminal, the judication of which forms the major portion of duties of Magistrates in this district. From the same it will be seen that during the nine months under review no less than 12,511 criminal cases were dealt with in the district, whilst civil cases reach the very large total of 8,673. The above numbers constitute a record since the annexation, and I doubt whether they will be surpassed for some time to come. The period of general and acute depression through which the Transvaal has recently passed has probably been felt more in this district than in any other. The scarcity of labour has restricted all mining operations enormously, and this restriction has brought about a great reduction in the wage-earning and spending population, and a consequent stagnation in trading and commercial circles. The mining industry is not only the chief industry of the Colony, but is absolutely the main spring of the Witwatersrand district, and the prosperity of the district is absolutely dependent upon it. The large increase in crime, especially in petty thefts and crimes of that nature, has been due to this pressure of bad times. Similarly civil litigation, consisting for the major part of the recovery of debts for goods sold, rent and necessaries of life, is also largely due to the stress and general depression. Of course this district being the largest in area, and the most populous in the Transvaal, will always furnish the largest statistics of crime and of civil litigation.

An era of improved financial position and increased prosperity of all classes, which it is confidently believed has now dawned, will result in a diminution both of crime and of civil litigation of the class above indicated.

Johannesburg.

My above remarks deal with the district generally, but apply chiefly to Johannesburg, its most important and populous centre. In the town alone 10,251 criminal and 7,188 civil cases have been dealt with by the Magistrates' Courts during the period under review, and these figures will probably not be greatly exceeded by the aggregate of cases tried elsewhere throughout the Colony. There have been a large number of contraventions of the Liquor Law, but in most of them the offender was an indigent person driven by poverty to contravention of the Law by selling small quantities of liquor to natives at an enormous profit. The new Liquor Law and the Detective Department, as specially appointed under it, have tended to purify and improve the liquor traffic in this district.

Revenue.

In Johannesburg itself the only revenue receivable through the Magistrates' office consists of fines in criminal cases, marriage fees and a few other trifling sources such as sales of confiscated goods. I append statistics showing the amount of revenue so received in Johannesburg, and also statistics of revenue paid in the sub-districts. There is attached to each of the detached Assistant Magistrates a clerk, who represents the Receiver of Revenue in Johannesburg, to whom all revenue received by the Magistrate is handed over, and who also receives revenue such as licences, &c., direct from the public, of which no record is kept by the Magistrate, and for which he accounts directly to the Receiver of Revenue. I also append statements of expenditure.

Agriculture and irrigation are increasing in the vicinity of Johannesburg, and also in the sub-districts, as I will specify later. There is undoubtedly more ground under cultivation at the present moment than ever before in the history of the district.

KRUGERSDORP.

During the above period this sub-district, from an agricultural point of view, has maintained a steady progress.

Tobacco is probably the principal and most lucrative product to the farmers, and is grown in large quantities in this sub-district. The farmers have made great strides towards rebuilding their homesteads, and this is very noticeable in the decrease of horse sickness this past season, which is mainly attributed to the fact that the horses have been provided with stabling.

A very strong feeling of hopefulness in the agricultural prospects prevails amongst the farmers, and another good season such as the present will see them thoroughly on their legs again. Towards this result the assistance given to the district by the Repatriation Department has naturally been of the first importance, and there is considerably more land under cultivation now than has ever been known in the history of the sub-district, which is in extent 1,050 square miles.

With regard to the mining area within the Krugersdorp sub-district the same progress cannot be reported, owing to the difficulty in obtaining labour for the mines. The result is that comparatively few mines are working. There are, however, great mining possibilities throughout the district, and people having knowledge on these matters hold the opinion that the district will become a very rich one from a mining view, when the same is developed.

There are no irrigation works of importance in this sub-district, though there are parts capable of vast improvement, if such works were carried out.

A Municipal Council of a representative character has been elected; also an Urban District Board for Roodepoort-Maraisburg and Florida.

BOKSBURG.

Health Boards.—These were abolished in October, 1903, and a Municipality declared at Boksburg, as well as an Urban District Board at Springs. Voters rolls were prepared and elections held in each place. These bodies got into working order early in December; their establishment has given satisfaction, in that it is the first step towards representative Government.

A Farmers' Association was established in or about September, 1903, which has been much appreciated, and meetings are held monthly at the different centres in the district, at which all matters which interest farmers are discussed.

Repatriation.—The results of the work of the Repatriation Commission show a district well stocked with cattle, mules, farm implements, &c., and an enormous quantity of new ground has been ploughed.

The Stock are in good condition, and there has been little sickness. *Crops* are fairly good, but the heavy rains in February spoilt the potatoes.

Many *Compensation Claims* have been assessed, and they still continue to come in.

A Gaol Compound has been started at the Cinderella Mine, which holds 400 convicts, who are employed at surface work on the mines. The scheme has been a distinct success.

Mining Rights Office.—A District Registrar has been appointed in Boksburg with a staff, and this has proved a boon to the district.

Water Supply.—The engineers on the Rand Water Board paid several visits to the district, and tested the various possible supplies, especially that at Rooikop, six miles south of Boksburg, which appears an excellent supply. Nothing further is known of their intentions.

There were a few cases of *Plague*, but all precautions have been taken to check a general outbreak.

Germiston.

Food Supply.—Owing to the very regular rainfall during the months from November to March last, the crops of food-stuffs have surpassed those for a number of years past.

Irrigation Works.—There are none in this district, owing, no doubt, to the local condition of the water supply, and the expense that would be entailed in obtaining a sufficient supply on a large scale. Farmers are more or less dependent on the rainfall for the raising of crops.

Areas under Cultivation.—There is a considerable increase on the extent of country under cultivation, compared to what was the case before the war. Mining authorities have put large areas under cultivation, as well as the farmers, and, judging from the amount of new ground turned over, the crops raised next summer, with the assistance of reasonable rains, ought to be unprecedented.

Miscellaneous.—The need for a suitable building as a Magistrates' Court and offices has been keenly felt during this period, as also a house for the Magistrate. The necessity of such buildings should not be overlooked, particularly when it is considered that Germiston is within the first three most important centres in the Transvaal in regard to mining, revenue and population, all of which are rapidly growing. This is also the junction for all the railways from Natal, Cape Colony, Delagoa Bay, and all the important connections in the Transvaal.

There has been urgent need for a hospital, as also for pauper accommodation, and this need will increase as time goes on, which will be understood when the fact of the dense and increasing population is remembered.

The want of a suitable gaol is very urgent.

The Municipality of Germiston has been established for the last five months. The assessed value of rateable property is, I understand, very nearly £3,000,000, so that there is every promise of improvements to the town and district on a large scale at no distant date.

C. A. Wentzel,
Chief Magistrate for the Witwatersrand District.

April 29, 1904.

No. 16.

WOLMARANSSTAD.

General Report.

Area of District.

The present District of Wolmaransstad includes the areas formerly known as the Districts of Wolmaransstad and Bloemhof, and extends to about 6,000 square miles.

Population.

The census has just been taken, but the figures are not yet available. It is estimated, however, that the whites in the District number 10,000, and the native population about 4,500.

Industries.

The great majority of the people formerly were sheep and cattle farmers, and they only ploughed sufficient to provide themselves with mealies and Kaffir corn. There is a change in progress, and, with the extended use of the disc plough, which will enable the people to plough the land before the rains come, I think this District will soon rank as a large grain producing District.

This year the District has produced enough mealies to supply its own wants, but too many people have had their crops destroyed by drought, or left ungrown through the lateness of the rains.

We are most fortunate with regard to the conditions under which stock thrive here. There is only one case of lung sickness among the cattle in the District at the present time, and no stock disease of any kind.

Horse sickness has not been prevalent this year, and in spite of the partial failure of the mealie crop, the people are in good heart. It is true that following on the war, the flocks and herds are small, but the people generally look forward confidently to the inevitable, if gradual, improvement arising from the natural increase of their stock.

Diamond digging in the alluvial workings at Christiana has recently revived, and a considerable influx of diggers has taken place. An analysis of the returns of finds shows that the diggers barely succeed in making a living wage. Were it not for the element of gambling that enters into digging for diamonds, I do not think the results on these fields would attract many diggers. In any case the want of luck will compel many of the new-comers to leave before long.

Nearly the whole District has been ransacked by prospectors during the last months; diamonds have been found in the alluvial deposit at various widely scattered points, and from every part of the District one hears of hallucinations about the presence of gold. One solid fact to go upon is that the Anglo-French Exploration Company have started in earnest on the reef to the west of Schweizer Reneke, and, if prospects are favourable, more gold mining will proceed. I think it is wise to regard this activity as experimental only, but to watch it closely in case it prove of real value.

Irrigation.

The scheme at Schweizer Reneke for providing the village with irrigation and water supply, which the late Government intended to carry through, has now, after a visit to the place paid by the Director of Irrigation, been set aside on account of the expense and doubtful value of it. It is possible that by boring an irrigation and water supply might be obtained, if only the much-talked of bores were at hand.

At Wolmaransstad rains filled up the dam in January last to such an extent that in its unrepaired condition it became unsafe, and a cutting was made through the wall of the dam by the Assistant Engineer, which let out all the water. The Irrigation Department is having a survey made in connection with the work of completing the dam, and it is to be hoped that active steps will forthwith be taken to have it completed.

The River Vaal having gone dry, the irrigation of erven at Christiana was suspended for some months during last summer. After the rains came, the supply of water became plentiful, and the poor erven-holders, who depend to a very large extent on the produce of their erven, have been able to reap some crops after all.

The large scheme for irrigating the Government land between Christiana and Fourteen Streams is attracting attention. The surveys are being made, and it is being stated that when the dam is built across the Vaal, the River will be stemmed back for 60 miles, and the Drifts to the Orange River Colony blocked. There may be some complaint, if that is the case, but the farmers are quite familiar with the use of pontoons, and it is unlikely there will be serious grumbling.

New Public Works.

The Magistrate's Offices at Schweizer Reneke have been restored, and the result is very satisfactory.

The offices at Christiana have also been repaired and re-decorated, and are now suitable for their purpose.

The gaol at Christiana is quite unsuitable, but it is proposed to erect a District Prison at Wolmaransstad, and, as it does not seem possible to improve upon the prison at Christiana without re-building it on another site, it will be best just to let things be.

There are no houses for Magistrates in the District, but a site has, at the request of the Public Works Department been chosen for a house for the Resident Magistrate at Wolmaransstad.

New Government Offices at Wolmaransstad were contemplated by the late Government, and three erven appropriated for a site for them. When funds admit of it, these buildings might very well be commenced, as £120 a year is being paid for the present offices and the accommodation, especially for storing records, is not so good as it should be.

Roads.

Some of the work done on the roads by the poor burghers will be of permanent value. A good deal of it has already been undone by the rains and traffic.

Railway Development.

We are still waiting for the Klerksdorp to Fourteen Streams railway to be laid. If gold mining is successful in the western part of the District, the railway will be urgently required. Meanwhile, the delay merely retards development and defers hope.

Sanitation.

The District is very healthy, and the Urban Boards have been quite successful in establishing the bucket system in the dorps.

Forests.

There is ample room for afforestation here. The Government should make a beginning on some of their farms in this District. The progressive farmers will, in a little while, do some planting, but at present there is so much else that seems more immediately important.

Areas Under Cultivation.

Everybody has agreed that there has been far more ploughing done in this District this season, than ever before. Still larger areas will be cultivated when markets become more accessible with the advent of the railway. ,,

Repatriation.

Repatriation had really come to an end by the time the period reported on began. The people had received what help they were to get, and the only thing required was to tide over the poorer people till a harvest should be reaped. This was done through the repatriation depôts, and then, in December last, all the depôts were closed down. I think it can be claimed that this Department has fulfilled its functions creditably.

A great number of Promissory Notes which were given by purchasers in payment of stock, wagons, &c., which they obtained from the Repatriation Department, are now falling or are about to fall, due. It is surprising how many of these notes are retired on presentation, but no doubt a good deal of giving time will be required.

Poor Relief.

With a harvest in sight it is possible to estimate the amount of relief which may require to be given permanently. It is satisfactory to know that it will not be so great as might have been expected. At Wolmaransstad there are 11 cases, at Christiana none, and at Schweizer Reneke two, making a total of 13. I think 25 cases in all will be about our mark.

Before the repatriation depôts were closed, a good deal of gratuitous ploughing and sowing was done for the poor. Unfortunately, the drought prevented more being done, and, in some cases, the crops have not come up. but still there has been substantial assistance afforded, and in some cases nothing more will be required.

In about ten cases of widows, where, in addition to ploughing and sowing, it was thought that the grant of material to complete their dwellings and of a few goats to form the nucleus of a herd, would enable the recipients to be in future independent of relief, that course was adopted. The building material usually cost from £5 to £10, and the number of goats given was 15 or 20. In those cases, I shall be surprised if any request is made for further relief.

A scale of rations to be issued to the poor under the poor relief scheme has been fixed. I think that while a scale may be useful it is absurd to be bound by it. To apply it in most cases would be extravagant. The late Government, when famine threatened, issued Boer meal, and, in the main, we might follow that example. There are cases where more might be given, but it is clear that if the scale is adhered to whenever it is thought necessary to give relief, the relieved will find no spur to think or do anything for themselves, and will gladly sit still and devour for the rest of their days the food provided by the Government. It should never be forgotten that the squalid poverty of a European city is unknown in this country.

Compensation for Losses.

There were 60 British subject claimants, who claimed over £52,000. Most of them have received two-thirds of the amounts at which their claims were assessed, and the balance, if any, will be paid when this class of claim is finally adjusted.

There have been 134 protected burgher claims, in which just under £134,000 was claimed. Many of these have been paid out altogether, and I am expecting that the remainder will be paid soon.

There are some 1,300 claimants on the ordinary burgher fund, with claims amounting to £1,100,000. All those claims have been assessed by the local Commission, which was dissolved at the end of December, except about 50 or 60, in which no evidence has been produced. I do think it would be well if whatever sum is to be paid out were paid as soon as possible. Most of the Boers do not expect much, but they want to get it at once.

Over £12,000 was paid in this District to claimants who had stock taken between 7th and 11th May, 1902, by the British columns, a special fund of £30,000 having been set aside to compensate them, in respect of capture made during the progress of peace negotiations. The native claims have nearly all been settled.

Agricultural Committees.

Three of these Committees have been appointed to act for different parts of the District. Owing, however, to the difficulty of getting the attendance of the District Veterinary Surgeon, the Committees have not yet done any work.

Urban Boards.

The three villages of Wolmaransstad, Christiana and Schweizer-Reneke have now Municipal Bodies. The simple procedure followed in connection with the elections is very effective. The electors made a very wise choice of representatives, and the members, are doing excellent work.

Generally.

It is encouraging to be able to report real progress. Dwelling-houses and farm buildings are again common objects as one travels about, and native huts are showing themselves on the farms. This change has been so gradual that it has hardly been noticed, but on comparing the aspect of the country now with what it was nine months ago, the progress is brought home to one.

The temper of the people is not at all sullen. The most noticeable feature to me is the extreme desire on the part of the people to obey the law. This quality was specially apparent in connection with the administration of the Stock Regulations. The Regulations themselves and the way in which they were administered have been sometimes downright vexatious, particularly with reference to horses crossing into the Orange River Colony to escape horse-sickness, the shooting of cattle crossing the Vaal when the river was low, and the treatment of farmers having land on both sides of the border with Bechuanaland; yet, in spite of all, the people have always tried to obey the law. This willingness to give effect to the wishes of the authorities is observable among the British, the Dutch and the Kafirs.

Curiously enough, there is no great desire on the part of the people to possess rifles. Only 56 licenses to possess rifles have been issued, and some of these are for the same rifles which have changed hands. Springbuck are plentiful, but even the inducement to shoot them has no great effect on the number of applications. Shot

guns there are in plenty, but it is not uncommon for a man to say he has had enough of rifles.

There has been a considerable influx of farmers from home and from the Colonies, and these men are capital colonists and desirable inhabitants. Some of them have displayed extraordinary energy during this last season, and the Boers are watching them for points.

There have been eighty marriages in the District during the last nine months, and in hardly any of the cases might the marriage be said to have been improvident.

The births have been numerous, totalling 470 for the nine months, as against 160 deaths.

J. BLACKLOCK,
Resident Magistrate.

April 28, 1904.

No. 17.

ZOUTPANSBERG.

REPORT OF THE RESIDENT MAGISTRATE, ZOUTPANSBERG, FOR THE PERIOD 1ST JULY, 1903, TO 31ST MARCH, 1904.

The farmers and natives of this district found themselves, at the beginning of July, 1903, face to face to a famine—the mealie crop being a complete failure owing to the drought. This was averted by the Repatriation Department supplying the farmers with food, and fortunately the natives were well supplied with money and able to buy.

The past summer has been phenomenal for the amount of rain that has fallen, which amounts to 17.57 inches during the eight months under review, and no such record has occurred during the past ten years. I have visited nearly whole of my district, and everywhere the crops were good, and I anticipate a great recovery amongst the farmers who have, since the war, been in very straightened circumstances, but I may say never in want of the necessaries of life.

The greatest want of the Zoutpansberg is railway communication of the simplest nature, lines, trucks and engines, without an expensive staff or any luxuries whatever. This would enable our farmers to send their crops at reasonable rates to the market, and our mines to be developed, as there are undoubtedly rich deposits of gold, copper, diamonds, mica and coal within a 150 miles of Pietersburg, the present head of the railway.

More ploughing has been done this summer than has ever been done before. It is hard to say the exact amount, but I feel certain 9,000 acres is not over estimating it.

Our present wants are:—

1. Railways;
2. Irrigation schemes;
3. Fencing (compulsory);

the latter is to assist us in stamping out the cattle disease, this district having, I think, every pest known to science.

FOODS GROWN.

Oat hay, barley, maize, Kaffir corn, coffee, tobacco and rice, the latter only in small quantities. Fruit is plentiful, such as peaches, oranges, bananas and pine-apples.

Some farmers are experimenting with sugar, cotton and rubber.

Irrigation.

The want of a diamond or other drill to search for water is much felt, and, unfortunately, the farmer is not in a position to purchase one, but would be willing to hire at reasonable rates from the Government.

Public Works.

In order of urgency :—

1. Repair of trunk roads.
2. Prison at Pietersburg.
3. Lock-ups at Heenertsburg, Leydsdorp and Louis Trichardt.

Roads.

Roads require repairs throughout the district.

New Works.

Inexpensive light railways generally.

Forests.

Forests are improving since the appointment of a forestry officer.

Cultivation.

By whites, about 9,000 acres; natives, impossible to estimate.

Products.

Mealies (200,000 bags), wheat, forage, potatoes (large quantities), tobacco and fruit.

Population.

White, 11,000; black, 300,000.

The above only approximate, as census taken 17th April, 1904, and has not yet been published.

South African Constabulary.

Great improvement has been shown in police work during the period under review. Present strength: 8 officers, 130 non-commissioned officers and men, 66 natives; 19 posts.

W. N. Bolton, Major,
Resident Magistrate.

Report on the Revenue Branch of the Resident Magistrate's Office, Pietersburg, for the Nine Months ended 31st March, 1904.

The revenue collections in this district for the above period compare very favourably with those for the preceding 12 months, and, with the 1904 native tax, the bulk of which should come in before the end of the financial year, will show a considerable increase on last year's receipts.

The total collections, less refunds, amount to £103,460 15s. 7d., from which must be deducted items not proper to revenue, viz., estate owners' shares, £2,303 4s. 9d., survey fees, £583 15s. 9d., interest on re-settlement loans, £283 19s. 1d., purchase instalments, £7 6s. 2d., together amounting to £3,178 5s. 9d., leaving £100,282 9s. 10d. net revenue for the nine months as against £138,569 13s. 9d. for the year ended 30th June, 1903.

The main item is, of course, the native tax, which amounts to £45,540 as against £83,818 for the former period, though, of course, this £45,540 is all on account of the 1903 tax, and to arrive nearest to the actual tax in respect of any

year, it would be best to take the collections from 1st April in one year to 31st March in the next. Native passes and certificates amount to £1,228 19s., or nearly double the amount collected for former period.

Mining revenue, £37,946 1s. 8d., less estate owners' share, £2,303 4s. 9d., leaves £35,642 16s. 11d., and, though this shows improvement on last return, the revenue from this source for the last two or three months has fallen off considerably.

General trading, liquor and other licences total £7,438 4s. 9d., which amount is about £1,100 in excess of collections for previous 12 months under this head, due more to the very large increase in general dealers' turnovers for 1903, and consequent heavy supplementary payments than to the increase in number of licencees.

Farm tax, which, with the exception of transfer duty, entails by far the greatest amount of work in collection, produced £1,613 15s. for the period. Transfer duty, £2,409 1s. 10d., is considerably less than amount shown in last return. Erf tax—the collection of which has now passed to the Municipality—realised £527 15s. Fines of Court, £1,030 19s. 6d., show a fair increase on last amount. Hospital fees from Pietersburg and Leydsdorp hospitals amount to £683 7s. 6d. The other items are small and not worthy of much notice, though a good deal of time is taken up in collecting and accounting for them; some of them have also passed to the Municipality. Refunds to the extent of £111 12s. have been made.

The revenue branch of this office is now altogether on a very satisfactory basis; but it is obvious that the work is increasing with the growing revenue, though, at the same time, much duplication has been, and will be, avoided in the methods of collection.

W. N. Bolton, Major,
Resident Magistrate,
Zoutpansburg.

Sub-Enclosure 2 in No. 11.

Education Department, Transvaal.

Interim Report, January-March, 1904.

The following statistics covering the period January-March, 1904, supplement the annual report of the Education Department for the school year January-December, 1903.

A.—Elementary Education.

There were under the Department at the close of the school year, 1903, 373 primary schools (104 town and village, including six coloured schools, and 269 farm schools), with an enrolment of 24,972 scholars. On December 18th, the last day of the school year, seven farm schools, representing an enrolment of 115 scholars, were closed, leaving in continued existence 366 schools, with an enrolment of 24,857 scholars. Two of these, however, Wonderfontein in Krugersdorp-Potchefstroom circuit and Anny's Spruit in Volkerust circuit, did not reopen in January as anticipated, Wonderfontein remaining closed till March and Anny's Spruit, which had been temporarily closed during December not having yet reopened. At the end of March, 1904, there were under the Department 383 primary schools (105 town and village, including six coloured schools and 278 farm schools) with an enrolment of 27,075 scholars. The following schools were opened during the period January-March, 1904:—

Town Schools: Melville (Johannesburg-Rand circuit).

Farm Schools: Waterval Onder and Witrivier (Barberton circuit), Kliprivier and Watervalshoek (Heidelberg circuit), Kaffirskraal 185 and Uitkyk (Klerksdorp circuit), Grootfontein, Ratzegaaiskraal, Roodeval and Rooikop (Krugersdorp-Potchefstroom circuit), Schoonood, Sterkstroom (re-opened) and Witklip (Middelburg circuit), Veekraal (Pietersburg circuit), Brakfontein and Kaallaagte (Pretoria district circuit), Otterfontein and Rietfontein 431 (Rustenburg circuit).

The following farm school was closed during the period in question:—

Palmietfontein (Heidelberg circuit).

The following farm schools were transferred during the period in question:—

Lakensvlei to Rietfontein-Rietvlei (Klerksdorp circuit), Rhenosterfontein 13 to Niekerk's Dam (Lichtenburg-Marico circuit), Modderfontein to Rhenosterfontein (Rustenburg circuit), and Bekkersrust to Hendrikspan (Standerton circuit).

The following school buildings were completed during the period in question:—

Carolina and Witrivier (Barberton circuit), Schoongezicht and Vlaklaagte (Heidelberg circuit), Rosettenville (Johannesburg-Rand circuit), Doornbult, Kafferskraal 185, Lemoenfontein, Noodhulp, Rietfontein and Vuurfontein (Klerksdorp circuit), Vijfhoek and Wilgeboom (Krugersdorp-Potchefstroom circuit), Doornkraal (Pietersburg circuit), Honingsnestkrans and Scheerpoort (Pretoria district circuit), Arcadia and Villieria (Pretoria town circuit), Tweerivier (Rustenburg circuit), Standerton (Standerton circuit), and Schuilhoek (Volksrust circuit).

The following was the teaching staff in primary schools as on March 31st:—

Barberton, 43; Heidelberg, 52; Johannesburg-Rand, 251; Klerksdorp, 84; Krugersdorp-Potchefstroom, 122; Lichtenburg-Marico, 56; Middelburg, 47; Pietersburg, 45; Pretoria, district, 50; Pretoria, town, 56; Rustenburg, 72; Standerton, 44; Volksrust, 33; total, 955. The average salary was £197 12s. 7d. The corresponding figures on December 18th were 919 teachers, with an average salary of £203 3s. 3d.

B.—Secondary Education.

There are two classes of secondary schools under the Department, the provincial fee-paying schools and the high schools in Pretoria and Johannesburg with their preparatory institutions. At the close of 1903 there were 14 schools of the former class (Ermelo, Germiston, Heidelberg, Klerksdorp, Krugersdorp, Mayfair, Middelburg, Pietersburg, Potchefstroom, Rustenburg, Standerton, Volksrust, Wakkerstroom and Zeerust), with an enrolment of 964 scholars; on the 31st of March the figures had fallen to 13 schools with an enrolment of 933 scholars. The fee-paying school at Klerksdorp ceased to exist as an independent school from February 12th, being amalgamated with Klerksdorp New Town Free, now known as the Milner School. The new institution is in every respect a free elementary school; it retains, however, the old fee-paying school building as accommodation for the higher standards. There are no other changes to record in connection with these schools, except that Mayfair School is no longer conducted in shops, two portable wood and iron sections now supplying excellent accommodation. The provincial secondary staff numbered on the 31st of March 56 teachers, with an average salary of £253 15s.; on the 18th of December the figures were 55 teachers with an average salary of £257 18s. 2d. The number 56, however, includes two teachers formerly on the staff of the fee-paying school at Klerksdorp, who were on long and sick leave respectively when the school was closed, and who not yet having returned to duty have not at present been allocated to another school.

The number of high schools and preparatory schools has remained the same during the period January-March, 1904; the enrolment has risen, however, in the case of the former from 721 to 768, and fallen in the case of the latter from 271 to 264. The increase in connection with the high schools is largely due to the development of Johannesburg College, formerly known as the Johannesburg High School for Boys, which, in its new premises at Barnato Park, and with its re-organised staff, has raised its enrolment from 91 to 157. The high school and preparatory school staff numbered on the 31st of March 69 teachers (including visiting teachers for single subjects), with an average salary of £302 15s. 4d.

The following tables give statistics of average enrolment and attendance for all schools during the period January-March, 1904:—

JANUARY.

Name.	Number of Schools.	Average Enrolment..	Average Attendance.
ELEMENTARY SCHOOLS. TOWN AND VILLAGE.			
Pretoria	11	1,595·8	1,388·1
Johannesburg	38	7,655·0	6,902·9
Provincial	49	5,840·1	4,946·3
Coloured	6	847·5	742·2
Farm schools	265	9,074·0	7,570·9
SECONDARY SCHOOLS.			
High schools...	5	Vacation.	
Preparatory	3	Vacation.	
Provincial fee-paying schools ...	14	922·2	859·6
Total	391	25,934·6	22,410·0

FEBRUARY.

Name.	Number of Schools.	Average Enrolment.	Average Attendance.
ELEMENTARY SCHOOLS. TOWN AND VILLAGE.			
Pretoria	11	1,763·2	1,401·5
Johannesburg	39	8,136·4	6,980·5
Provincial	49	6,059·7	5,029·4
Coloured	6	908·3	758·2
Farm schools	274	9,703·3	8,266·9
SECONDARY SCHOOLS.			
High schools...	5	761·8	694·9
Preparatory schools	3	252·8	225·1
Provincial fee-paying schools ...	13	944·8	849·6
Total	400	28,530·3	24,206·1

MARCH.

Name.	Number of Schools.	Average Enrolment.	Average Attendance.
ELEMENTARY SCHOOLS. TOWN AND VILLAGE.			
Pretoria	11	1,807·9	1,402·6
Johannesburg	39	8,133·7	6,533·3
Provincial	49	6,134·2	4,963·2
Coloured	6	905·4	712·6
Farm schools	278	10,002·4	8,185·1
SECONDARY SCHOOLS.			
High schools	5	766·3	684·1
Preparatory schools	3	262·7	229·1
Provincial fee-paying schools ...	13	952·5	837·8
Total	404	28,965·1	23,547·8

The fall in attendance for March is accounted for by the heavy rains which prevailed during the month, and as regards Johannesburg by the outbreak of plague.

Sub-Enclosure 3 in No. 11.

PUBLIC HEALTH DEPARTMENT REPORT.

I beg to present an interim report on the work of my Department since July 1st, 1903, until the end of April, 1904.

I have been unable, in the time allowed me, to obtain reports from the various district surgeons, but I enclose those of the District Medical Officer of Health for the Witwatersrand and the District Medical Officer of Health for the Western Transvaal.

There is no report for the Eastern Transvaal because Dr. Arnold, the former District Medical Officer of Health for that district, has been made Assistant Medical Officer of Health for the Transvaal, and his successor, Dr. Montgomery, has been employed on plague duty.

The only statistical information I can present is the number of cases of infectious disease reported in the chief towns of the Transvaal, from the 1st July, 1903, to the end of March, 1904.

The Registrar of Births and Deaths informs me that he cannot yet furnish me with the death return for this year; consequently I am unable to give any information on this head.

This is the less to be regretted because the results of the census are not yet available, and until this is so, the death returns are of little use.

In September, 1903, His Excellency notified me he had done me the honour to make me Commissioner for the Census. The time available was exceedingly short, and was still more curtailed by the fact that I could not even commence to put my papers in the hands of the printer before the last week in November, because I was directed, for the purpose of uniformity, to keep as closely as possible to the lines of the Cape census.

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The census of the Witwatersrand was confided to my colleague Dr. Charles Lane Sansom, the Medical Officer of Health of the district. The district is peculiar on account of the number of foreigners, many of whom can speak neither English nor Dutch. Consequently, we were compelled to provide enumerators who could speak and write English, as well as various foreign languages, such as Yiddish, the Indian dialects, Modern Greek, and that variety of Portuguese which is spoken in Madeira. Notices in all these languages and in Turkish as well were distributed.

Pretoria, the only other important urban area, was confided to Mr. Rose-Innes, the Resident Magistrate. Here Hindustani and Yiddish enumerators alone were necessary.

I may say that the Indian population gave us most willing assistance, well educated men speaking and writing English as well as their own language offering themselves as enumerators.

Colonel Nicholson, Commanding the South African Constabulary, agreed to allow his officers and men to act as supervisors and enumerators in their respective districts, they were well qualified for their work because they were intimately acquainted not only with their various districts but the people living in them.

The native census was taken by the Department of Native Affairs; no attempt was made amongst the uncivilised races to divide the population minutely into age groups. This is done in the Cape, but I have not the least belief in the result obtained. I simply required the sex, condition as to marriage and age above and below fifteen years.

Persons on the rail, on the night of April 17th, were enumerated by railway officers, and to avoid confusion I took over the enumeration of the railway passengers in the Orange River Colony.

We know that the census has been taken, though the returns, on account of distance, have not all reached the Head Office, but I hope soon to be able to make a preliminary report.

I am deeply grateful to those gentlemen who have assisted me in this important work; they probably will never see this report, so I will take a better occasion of expressing my thanks.

Plague.

On the morning of March 20th, 1904, I received a telephonic message from His Excellency the High Commissioner calling me to Johannesburg as cases of Plague had occurred in the Coolie Location in Johannesburg.

I reached Johannesburg at midday, and found that on the previous night the Coolie Location had been surrounded by a cordon of police, because Dr. Pakes, the Government Analyst and Bacteriologist, had diagnosed Plague amongst persons residing there, who were supposed to be suffering from virulent pneumonia. Some 20 deaths had already occurred.

The advent of Bubonic Plague in the Coolie Location, Johannesburg, was scarcely surprising to anyone acquainted with the locality. As far back as February, 1902, I was requested by His Excellency, Lord Milner, to make an inspection and report on this very locality. The following is an extract from that report, dated 12th February, 1902, and addressed to the Acting Town Clerk, Johannesburg:—

"The buildings, with few exceptions, have been put up without the least regard to the effect likely to be produced on the actual inhabitants or on the population of Johannesburg generally.

"The houses or huts are badly constructed of the cheapest and worst possible materials. It would be impossible to repair them, and if it were possible it would be undesirable to do so on account of the plans on which they are constructed.

"The houses, with very few exceptions, must be completely removed. It is most fortunate that, owing to existing circumstances the population is very small, but

at any moment conditions might alter and then these buildings would be a serious danger to Johannesburg.

"It must be remembered that at any time the sanitary authority of Johannesburg may be called upon to deal with plague.

"Should a person suffering from that disease find a lodging in this particular area, the result would probably be most disastrous.

"The patient or patients would be concealed by their friends, a proceeding for which the construction of their houses offers unusual facilities, and the disease would spread.

"The work of demolition would then have to be undertaken in the quickest manner possible, and would almost certainly fail to attain its object.

"In my opinion the sanitary authority should deal with this area with as little delay as possible.

It is only due to the sanitary authority and to their distinguished medical officer of health to say that any delay in dealing with this area is not attributable to any fault on their parts.

Johannesburg passed out of my jurisdiction soon after that report was made, but I know that the authority tried to do its duty in face of the usual popular opposition; because I was subpœnaed to give evidence before a Commission of Enquiry.

Soon after Dr. Porter commenced his official connection with Johannesburg we met in consultation to make preparations for the arrival of plague in Johannesburg.

We selected a site at Rietfontein, because although it was very far from the town, seven miles, buildings already existed there which could be utilised, there was plenty of ground for extension, and there was a resident Government Medical Officer, Dr. Mehliss, Superintendent of the Small-pox Lazaretto. Besides the Lazaretto was already in telephonic communication with Johannesburg, and was also provided with ambulances and transport.

These advantages were allowed to outweigh the disadvantage of distance. A space was enclosed to afford the sites for a hospital, and separate accommodation for persons supposed to be suffering from plague, but in whom the symptoms were not sufficiently decided to admit of a clear diagnosis.

Cemented sites for the erection of tents were made, water laid on from the Small-pox Lazaretto, stores and kitchens erected, and means provided for furnishing and obtaining the services of a nursing staff and attendants.

This establishment was intended for the Municipality of Johannesburg and the whole of the Witwatersrand.

In the meantime no effort was spared to discover the occurrence of disease amongst rats and other rodents. With the result that Dr. Pakes reported plague amongst rats on several occasions between May, 1903, and March, 1904.

On reaching Johannesburg on Sunday, the 20th March, I had an interview with Mr. Feetnam, the Town Clerk, and Colonel Nicholson, commanding the South African Constabulary.

Tents were provided, nurses engaged, and arrangements made to supply food, medicines, &c.

Unfortunately my colleague, Dr. Charles Porter, the Medical Officer of Health for Johannesburg, was at this time laid up by a commencing attack of Enteric, and was quite unable to attend to his duty.

It must be remembered that cases of pneumonia of a very virulent character had previously occurred in this location, therefore it was by no means surprising that medical men at first made a mistaken diagnosis, and that it was simply due to the fact that Dr. Pakes was studying the question of pneumonia that he had an opportunity to settle the diagnosis as early as he did. This, in my opinion, is a good example of the practical utility of a bacteriological laboratory.

Fortunately Dr. Pakes was not simply satisfied with fulfilling his duty as a bacteriologist; knowing that our colleague, Dr. Porter, was incapacitated, he did not hesitate to visit the spot and to take upon himself to give the necessary orders.

The Asiatics residing in the location acted admirably; under the impression that the disease was one which could be treated in the location, they subscribed £1,000 within twenty-four hours to equip a small hospital, and generally I think it may be said that, in a great measure thanks to the exertions of Mr. Ghandi, Solicitor, they offered little opposition to the authority, and, in fact, assisted as much as was in their power.

A Plague Committee was formed which should act in the first place for the urban area of Johannesburg, and which, in the event of the plague attacking any Municipality in the Witwatersrand, should take over plague duties within that Municipality, thus doing away with a number of authorities.

Dr. Pakes was made Acting Medical Officer of Health, and Dr. MacKenzie Chief Plague Officer.

Medical men clinically well acquainted with plague were engaged; these gentlemen visited all persons reported to be suffering from plague or pneumonia or whose symptoms were at all doubtful.

Those who were found to be infected beyond doubt, in the case of white persons were immediately removed to the plague hospital; those whose symptoms were in any way doubtful were placed in the adjoining suspect camp until the nature of their disease had been made clear clinically or by the bacteriological test.

Coloured persons under similar circumstances were removed first to a receiving house, and thence, as frequently as was possible, to the plague hospital or the suspect camp, according to the nature of the case.

The adjoining municipalities agreed in each case to prepare a suspect camp and an ambulance. In case plague occurred in an area under a suburban Municipality, the District Surgeon removed the patient to this suspect camp and a plague expert was sent by the Plague Committee to make a diagnosis and to organise matters on the same lines as those followed in Johannesburg. In this way the clashing the methods was avoided.

At the same time the railway put at our disposal an engine, tender, carriage, &c., to serve as an ambulance, to pick up cases along the line and to deliver them at a convenient spot for ambulance transport to the Rietfontein Hospital.

Thus the expense and inconvenience of a multiplicity of hospitals were avoided.

But the duty was imposed on each authority within its own area to make special arrangements for cleansing, the prevention of over-crowding and additional sanitary inspection.

When the message came that plague had at last visited Johannesburg, I was much afraid that it would be my duty to give up my work on the census and to devote myself to that almost exclusively, but after seeing the prompt and judicious way in which Dr. Pakes had handled the matter, and the quiet, methodical manner in which the Plague Committee set to work, I was glad to recognise that I should still be free to continue my work on the census; besides it was evident that I should have work on my hands in connection with other authorities in the Transvaal, and, therefore, beyond attending the first few meetings of the Committee, I have had little to do with the plague in Johannesburg.

The cases in Johannesburg up to date (7th May) have been as follows:—

PROVED CASES OF PLAGUE.

Race.	Recovered.	Died.	Under Treatment.	Total.
Whites	4	9	8	21
Coloured (including Malays).	2	—	2	4
Asiatics	2	54	1	57
Natives	16	22	10	48
Totals	24	85	21	130

The announcement that there was plague in Johannesburg caused a stir among other Municipalities. Meetings were held and steps, generally more or less useless, were decided upon. It is devoutedly to be hoped that the panic may result in additional cleanliness and the prevention of over-crowding.

Pretoria started a Contact Camp, in which many unfortunate Asiatics who might possibly have been somewhere in the neighbourhood of the Johannesburg Coolie Location were shut up for twelve days, but no case of plague occurred amongst them, though it did in Pretoria itself.

Heidelberg wanted to shut up the Mosque and Potchefstroom stopped railway passengers.

On the 20th March, 1903, a patient, a coloured man, died at the Pretoria Hospital, the disease from which he suffered was supposed to be pneumonia. Because of the diagnosis of pneumonia some of the sputum, &c., was sent to the Bacteriological Laboratory in Johannesburg, and a certificate was returned that the patient had been infected with plague. Subsequently, another case occurred at the Pretoria Hospital, and two, one a suspect, in the town itself.

Those occurring in the town were placed in the Pretoria Lazaretto, a step which it had been decided to take in the event of plague appearing.

As a precautionary measure the services of Dr. Kerr-Muir had previously been secured by the Health Department of the Government. Dr. Kerr-Muir was Additional District Surgeon of Haenertsburg, and had enjoyed considerable plague experience in India.

The plague patients were attended by Dr. Kerr-Muir, and in his absence by Dr. Arnold, the Assistant Medical Officer of Health for the Transvaal.

The first brought to the hospital was an English carpenter. The diagnosis in his case was confirmed bacteriologically; he was spitting up a sputum consisting of nearly pure blood, and when I saw him I never expected he would leave the hospital alive. However, he made a good recovery.

The diagnosis of the second, a little Dutch girl, was never confirmed bacteriologically. She was very apathetic, and we could not induce her to bring up any sputum, though there were indications of pneumonia. When after many days some sputum was at last obtained, no organisms resembling bacillus pestis were discovered. Personally, I have little doubt she had plague, besides other symptoms such as threatening heart failure, she had an enlarged gland in the axilla, which, though not large, was extremely painful.

On the 24th March, a case of a suspicious death was reported amongst certain Hindoo traders at Zuurfontein, who had come from Johannesburg. The District Surgeon, Pretoria, performed a post mortem, and specimens taken from the body revealed the fact that death was due to plague.

Two of these men were isolated at Zuurfontein and guarded; one died of plague on the 28th, and the other from the same cause on the 29th March.

Again, at the colliery at Witbank two natives died on the 5th April, and specimens sent to the Bacteriological Laboratory at Johannesburg elicited the fact that plague was the cause of the deaths.

There is, perhaps, a disposition to sing "Te Deum" a little too soon. Cases will probably continue to crop up for a considerable time, especially in Johannesburg, but, Johannesburg apart, I do not anticipate much difficulty in dealing with plague in the Transvaal.

The conditions under which the population live are not favourable to its spread or maintenance, excepting as I have before said in Johannesburg itself.

The Pretoria Leper Asylum.

The accommodation at the Leper Asylum has been considerably increased, and the new buildings will soon be fit to receive patients.

Extra accommodation has been provided for the white staff, and a barracks for the coloured constables and servants is approaching completion.

The following is a table showing the number, sex and colour of the patients. It will be seen that they averaged 254.8 per diem.

The cost of their maintenance has been 3s. 8 2-5d. each per diem, including food, clothing, medicines, medical attendance, nursing, salaries and maintenance of staff, purchase and maintenance of transport, and police, in fact every expense beyond the original cost of the buildings.

The death-rate during the ten months, although these ten months include the most unhealthy period of the year, viz., October, has been unprecedentedly low, viz.:—

Whites	...	...	...	4.98 %
Coloured	...	...	...	12.11 %
All races	...	...	...	10.98 %

The white male and female patients who died, the one in February, the other in March, were both faith healers, and refused all medical assistance. White patients who refuse to take medicine are rapidly dying out, and, fortunately, they do not appear to make any proselytes.

There are still a considerable number of coloured patients who are the victims of a similar fanaticism; the deaths amongst these also occur at a higher rate than amongst others, but they occasionally receive accessions to their numbers, either fresh arrivals or proselytes.

In a future report I will compare the mortality amongst those who allow themselves to be treated and those who do not; the difference is very considerable, quite cent. per cent., showing that although we cannot cure the disease by medicine, we can give the patients a better chance of seeing the disease arrested, and, moreover, that they are then better fitted to enjoy life, being less mutilated and crippled.

Escapes have been unfortunately frequent, 27 in all, and only 15 returned. It is practically impossible to prevent all escapes however many police we employ, and however careful we are by making surprise rounds at night to see that the police are on the alert.

One man who ran away was an Africander. The poor fellow went straight home to his wife and family; this was expected and he was quickly retaken. I do not think it likely that any European would succeed in escaping for any length of time; it is different with the coloured patients, and we shall fail to prevent escapes until the precautions I suggested in my last report are adopted.

No step is omitted to prevent sexual intercourse between the patients, but it is not entirely successful as the occurrence of two births show.

Two discharges amongst white females are tabulated. In one case the woman was a suspect, and entered on the books as such. She was the wife of a leper patient, who was segregated by the late Government, and was sent in with her husband as being a suspect. She has been living in the Asylum, apart from her husband, for some six years, and has been employed cooking, &c., for the lepers. She is free from the disease, and I accordingly removed her from the list of patients. The second was an old lady who was formerly in the Robben Island Asylum. Her disease was no longer active, and her children were willing to provide for her under the usual regulations for the private segregation of lepers. She was accordingly removed from Robben Island to this Asylum until her family could make the necessary arrangements, and was then discharged subject to the regulations including visits and examinations by the District Surgeon.

The coloured man discharged in October was not suffering from leprosy. He was arrested by a constable and sent in to the Asylum on account of his appearance. He was put into a clean room, apart from the other lepers, and kept under observation for a week, and then discharged. He was suffering from "yaws."

The man discharged in September did not remain in the hospital 24 hours, he was quite healthy, and was sent in because a toe being almost severed, a diagnosis of ainhum was made, a disease supposed by some to be a form of leprosy. His condition, however, was clearly the result of an accident.

The two females discharged in February were sisters, daughters of a leper woman in the Asylum. These girls were admitted as suspects by the late Government. They were quite free from the disease, and acted as servants to the matron, for which they received clothing, food and wages. Their mother's mistress was willing to give them a house, their mother had been a nurse in the family, and so they were permitted to go out.

Several papers dealing with leprosy are in hand, but they are not ready, and, indeed, are not suitable for this report.

I again see in the last fasciculus of "Lepra" the term "Leper Prisons" applied to Leper Asylums. I can only repeat the observations I have made in my previous report on this mischievous misapplication of a term, and express a hope that the Administration, in the interest of these unfortunate people, not to mention the general public, will not entertain any idea of doing away with the segregation of lepers.

No one is detained in this or in any other Asylum with which I am acquainted who can afford to segregate himself, the number of such however is very few.

Rietfontein Lazaretto, near Johannesburg.

This Institution is under Dr. Max Mehliss.

From July 1st, 1903, to the 22nd April, 1904, there were treated in this establishment 593 patients—179 whites and 414 blacks.

Disease.	No. of Cases.
Syphilis	174
Bubo	6
Gonorrhœa	36
Scorbutus	117
Malaria	1
Pneumonia	61
Ulcus Molle	22
Rheumatismus	1
Pleuritis	3
Varicella	54
Erysipelas	21
Morbilli	4
Condylomata	2
Gonitis Traumatica	1
Strictura Urethræ	3
Epididymitis	1
Lepra	1
Abscessus Urethræ	1
Ophthalmia purulenta	1
Scarlatina	7
Scabies	2
Dysenteria	11
Vulnera	3
Paraphimosis	4
Dementia	1
Typhus Abdominalis	2
Furunculas	1
Herpes Zoster	1
Contusio	1
Purpura Rheumatica	2
Taenia Mediocanellata	1
Eczema	3
Panophthalmia	4
Bronchitis	1
Partus	1
Trauma pedis	1

Disease.	No. of cases.
Endocarditis	1
Cystitis	1
Angina	1
Tumor Testis	1
Diphtheria	2
Suspects	31

Of the whites 4 died, 2.2 per cent.

Of the blacks 62 died, 14.9 per cent.

Vegetables are supplied to this institution free of charge by certain Italians at whose disposal a piece of ground, belonging to the establishment, has been placed for gardening purposes. In addition to supplying vegetables gratis for the use of the Lazaretto, the lessees have also to render one-third of all sales, which are effected only through the Market Hall, Johannesburg. By this means £204 1s. 10d. has been earned by Government during six months, indicating that the scheme has been a great success.

A new water reservoir has been built of concrete.

A new stable has also been erected on a healthier spot, and as a result no horses have died from horse-sickness.

The Rev. Nash has been appointed Chaplain, and his ministration has been much appreciated.

Rietfontein Chronic Sick Home, near Johannesburg.

This institution is under Dr. Max Mehliss, who is the Medical Superintendent.

Its establishment was necessitated primarily by the over-crowded state of the Johannesburg Hospital, much of the accommodation, which would otherwise be available, being occupied by patients suffering from incurable diseases.

The Home was opened on the 14th July, 1903; and the present staff consists of a matron, five nurses and a porter, together with nine natives.

The cases treated have been mostly paralysis, debility and consumption; and there have been nine deaths during the period under review, or a percentage of 14.7.

Up to the present only white patients have been admitted to the institution. There are thirty-two beds for males and eight for females. There are two vacancies for males; but these will very soon be filled, as several patients are waiting to be admitted.

Patients suffering from the following diseases have been treated during the period in question :—

Disease.	No. of Cases.
Phthisis	18
Myelitis	2
Paraplegia	8
Tabes Dorsalis	5
Debilitas	3
Incontinentia Urinæ	1
Otitis Media	1
Neuritis	3
Fractured Spine	1
Epilepsia	2
Epilepsia dementia	1
Hemiplegia	4
Paralysis	3
Bronchiectasis	1
Hernia inguinalis	1
Peritonitis Chronica	2
Fracture, Collis Femoris	1

Disease.	No. of Cases.
Rheumatismus	1
Marasmus Senilis	1
Tumor Cerebri	1
Cirrhosis Hepatis	1
	61

It has been found necessary to have a special pavilion for patients suffering from consumption, of whom there are now ten cases under treatment. Owing to lack of funds this building cannot be constructed for some time to come; but I have recommended that a disused hospital at Modderfontein be adapted for this purpose, which, I think, can be done without much expense.

To this institution also vegetables are supplied free of charge by certain Italians, to whom a piece of ground has been let for gardening purposes.

Pretoria Lazaretto.

This institution, which was established for cases of smallpox, has recently been made use of in connection with the plague epidemic, and will always be available for any cases of plague or plague suspects, and patients suffering from other diseases requiring isolation, that may be discovered in and around the Municipality of Pretoria.

A medical officer resides on the premises, which are looked after by a caretaker.

On the 28th March, 1904, an European male suffering from plague was admitted; and during the same month two patients suspected to be suffering from plague were taken in.

The European made was discharged, cured, on the 20th April, and the two suspects, a coloured male and a European girl, who were kept under observation for a short time, were discharged on the 1st and 28th April, respectively.

In October, 1903, two coloured male patients, suspected to be suffering from smallpox, were admitted. It was subsequently proved that the disease was chicken-pox, and the patients were discharged on the 21st October.

Appendix A.

The report of Dr. Sansom, District Medical Officer of Health for the Witwatersrand, is published in full.

The District Medical Officer of Health states that the possibility of Ankylostomiasis occurring amongst miners has been kept in view, and that examinations, fortunately with negative results, have been made to ascertain if this entozoon occurred. Dr. Sansom is doubtful if the Ankylostoma has been discovered in this part of the world; I can answer this question in the affirmative. In Kimberly, in 1897, it was found to prevail amongst the men who laid the trolley lines in the mines, and though I never heard of any fatal cases, a considerable number of persons suffered severely.

With regard to the food and accommodation of miners, I agree generally with Dr. Sansom's remarks. From enquiries I have made I am of opinion that there is an undoubted deficiency in the proteids provided by the diet table in force in the mines generally, but I do not think 240 cubic feet is sufficient space, especially for persons so prone to pulmonary complaints as Kaffirs; 300 cubic feet should be the minimum.

Appendix B.

The report of Dr. P. Walker, District Medical Officer of Health for the Western Transvaal, furnishes evidence of much good work accomplished, his estimate of

56,000 white persons as the population of his district is probably fairly correct, judging from census returns already to hand.

It will be noted that in some instances the deaths exceed the number of cases notified. This is evidence that the proclamation relating to the Notification of Infectious Diseases is not rigorously complied with, and steps must be taken to enforce compliance.

I wish especially to support his remarks as to the method of milk supply.

No doubt Dr. Walker would have been able to show a larger amount of work during the time under consideration, but unfortunately he has been suffering from enteric fever.

Appendix C.

The report of Dr. Pakes, the Government Analyst and Bacteriologist, is very satisfactory.

From personal observation I can corroborate his statement as to the frequency with which tinned food unfit for human consumption is placed on the market. I am under the impression that tinned meat, fish, &c., which would certainly be condemned in Europe, is shipped to this and perhaps other Colonies. Probably blown tins are tapped and re-soldered. I have, on two occasions, been obliged to destroy tinned food sent to the Leper Asylum, the tins being actually blown. On the last occasion the merchant wished me to return the condemned food, which, of course, I refused to do. I wished to prosecute, but was advised that I could not do so, as the sale occurred outside the Transvaal.

The prevalence of cysticercus is well established, and will continue as long as the sanitary conditions on the farms are so indifferent. No latrine accommodation is provided for Kaffirs, and as these people frequently harbour tape worms, and as the pigs are usually allowed to roam about, these animals become infected by eating the excreta of infected persons. If pigs, intended for food, were confined in styes, and latrines were compulsory, a great step towards the stamping out of this disease would have been taken.

George Turner.
Medical Officer of Health for the Transvaal.

Appendix A.

(P.O. Box 5382.)

Sir, Winchester House, Johannesburg, April 27, 1904.

In reply to your Minute, 53/9363, *re* administration of general work in the Witwatersrand as Deputy Medical Officer of Health.

This report I understand should be of a general character, and as you will require me to send it in within three days, I much regret that it is impossible to give you figures and statistics in time.

General.

From the first of July, 1903, the Witwatersrand district has been constantly visited from end to end, local authorities advised as to what steps were to be taken for the safeguarding general health of the population and general sanitary work.

A complete record of all notifications of infectious disease has been kept, and for the last few months copies of birth and death certificates have been forwarded to this office and recorded. It is only during the last six months that the notification certificates have been coming here regularly, and, excluding the Municipality of Johannesburg, the number of notifications under the following headings have been:—

——	Small-pox.		Chicken-pox.		Amaas.		Typhus.		Typhoid or Enteric.		——
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
White	—	—	11	8	—	—	Nil		238	98	White.
Coloured ...	1	—	178	1	1	—	Nil		152	11	Coloured.

——	Tyho-malarial Fever.		Malaria.		——
	M.	F.	M.	F.	
White	7	1	9	3	White.
Coloured ...	2	1	24	—	Coloured.

——	Puerperal Fever.	Puerperal Septicæmia.	——
	F.	F.	
White	Nil.	6	White.
Coloured ...	Nil.	—	Coloured.

—	Dysentery.		Diphtheria.		Membranous Croup..		Scarlatina and Scarlet Fever.		—
	M.	F.	M.	F.	M.	F.	M.	F.	
White ...	56	35	3	5	Nil		23	25	White.
Coloured ...	240	8	1	—	Nil		—	—	Coloured.

—	Erysipelas.		Leprosy.		Pneumonia.		—
	M.	F.	M.	F.	M.	F.	
White	9	3	—	—	—	—	White.
Coloured	2	—	4	—	3	—	Coloured.

To the Medical Officer of Health for Transvaal,

P.O. Box 356,
Pretoria.

Until the census is finished it is impossible to give any rate per population for health, sickness, deaths or births, except in the case of mine compounds, which will be referred to in separate paragraph.

Since my last report, I am glad to notice that the general tendency of householders, employers and tradespeople has been to improve the sanitary condition of dwellings, working places and shops; greater cleanliness is evident, although, of course, much more still remains to be done in this respect. The people generally are becoming much more careful about drinking water; there is a growing tendency to prevent water sources becoming polluted, and where doubt exists as to the purity of water, large numbers of people sterilise it. On the other hand, there are a great many shallow water holes (really they ought to be called wells) unprotected, unlined, liable to pollution, and in many cases undoubtedly polluted, which ought to be closed down, but it is almost impossible to do this and deprive people of water supply (always more or less difficult in this country), until water is conveyed in pipes from some reliable source to all these Municipalities and hamlets, where houses are somewhat crowded together, and thus enable the authorities to do away with wells sunk in the back yards of dwellings. Although the amount of illness traced to drinking water is, to my mind, exceptionally small, I don't think that this fact

should make any local authorities relax their efforts to obtain the best possible general supply, because later on they may have to face a serious amount of illness and expenditure. Great as seems to be the initial expense for such a supply conveniently delivered to householders, it will be more than covered by the protection afforded in the future.

I notice with pleasure that although there have been some severe cases, which proved to be chicken-pox, smallpox has been conspicuous by its absence, and when it is borne in mind that before the war large numbers of smallpox cases had to be taken care of by Government every year, the absence of the disease now shows that not only is vaccination well carried out, but that the lymph manufactured by this Government is good and satisfactory.

In July the report of the enquiry into the prevalence of ankylostomiasis amongst miners in England was received; as I believed that the disease might be conveyed here by miners coming to this country (perhaps it already exists in South Africa), I thought it wise to print a short popular description of the disease, its causes, effects, symptoms, treatment and prevention, and this was circulated to every mine.

Native Affairs.

At the request of the Commissioner for Native Affairs, at whose disposal I am for all questions connected with the health of natives in the labour area, I have visited compounds, inspected sleeping quarters, food, tested and analysed the same and investigated all sanitary arrangements, making full reports to the Native Affairs Department. British Central African natives were examined on arrival here, the condition of each native noted, and from time to time personal observation has been kept of their condition. Whatever inspectors belonging to the Native Affairs Department have considered that conditions in compounds required alteration or adjustment, I have immediately investigated matters, and I must say that during the last few months a general effort has been made by mine owners to carry out improvements and alterations I have recommended, but much remains to be done. Better sanitation prevails, sleeping quarters are being improved and the diet supplied to natives is certainly better; but I would again call attention to two great drawbacks. One is the difficulty which has been experienced in obtaining good sound South African mealies, and the general bad physical condition of natives arriving here, due to a large extent to the failure of crops up country. I am sure that these two causes have added enormously to the high death rate obtaining in mine compounds (see annexure), and that when a steady supply of good grain is available here, and native crops are also good (and it is fully anticipated that this year the harvest will be good) that the improvements made, and being made, will have a very great effect in reducing the death-rate; at the same time I am convinced that constant supervision is very necessary, and that food supplies especially must be most carefully watched.

From figures supplied by the "Witwatersrand Native Labour Association" it has been conclusively proved that incidence of disease is far greater amongst new arrivals, and that the amount of illness and death rate decline "pari passu" month by month with the native's residence here; it is only to be expected then, that workers arriving from tropical districts to this high altitude should feel the effects of the cold climate during the winter months, and the marked decline of pulmonary disease during the summer months is very obvious. The increased air space that is now being adopted gradually in mine compounds will also largely decrease the number of deaths from pulmonary diseases, and I am sure too much attention cannot be paid to the amount of air space that is allotted. To my mind even now some of the newer compounds are still deficient in this respect, and the minimum should be 240 cubic feet per man, more if possible. Ventilation and warming are being looked into carefully, and my suggestions being adopted gradually; in connection with this I would like to point out that the number of men available to carry out improvements has been limited, and however willing a company may have been to adopt my recommendations, delays have thus been unavoidable. I look forward to a very great decline in the death rate from pulmonary diseases in the future. I may add that during the months of July and August an epidemic of influenza was rife in the whole district, and materially added to the high death rate. At the request of the Commissioner I took charge of several hundred cases of influenza amongst British Central

African Boys in the Robinson Deep Compound, the Company generously supplied everything that I demanded, and put their officials at my disposal. Notwithstanding the severity of the epidemic the number of deaths was small and recoveries without immediate complications gratifyingly large, but I regret to say that some months afterwards a large number (over 50) suffered from an unusual form of optic nerve disease, causing more or less blindness; this was in my experience of influenza (which is rather extensive) a most extraordinary occurrence on this scale. Scurvy again began to be prevalent in the month of October, and unfortunately was responsible for a great deal of sickness and a certain number of deaths; the causes of the prevalence of this disease are: 1st, arrival of natives here in a scorbutic condition (I examined large groups and in many instances found upwards of 90 per cent. of new arrivals scorbutic). 2ndly, weakly natives being put to work in an unfit condition, and supplied with food which would not allow them to expend the necessary foot tons of energy and repair their health. 3rdly, the average diet on the mines in my opinion shows a slightly deficient quantity of proteids, a considerable deficiency in fats and salts, therefore, a native has to be in good health when he commences work, in order to remain well whilst he is completing his contract. 4thly, as I have already mentioned oven dried grain in the form of mealie meal has been necessarily supplied; as mealie meal is the staple support it is highly necessary that it should be very good, and I do not think that imported artificially ripened grain is satisfactory; in appearance the grain differs very materially, there is less heart and more husk than in sun ripened mealies; it also does not germinate as a rule. This non-germinating property is possibly rather important, and I am inclined to believe that its absence means a serious depreciation in nutritive value, so I have considered it wise to urge on employers not to buy this grain, because after all the process of drying it artificially enables the grower to expect a harvest in a shorter time than would otherwise be the case and impoverishes soil by cropping too frequently.

The District Surgeon here informed me that scurvy was prevalent amongst native prisoners until he obtained good South African Mealies, and after that he had no more trouble, and I have noticed that in those compounds where the grain has been good (and not bought ready ground) on the whole scurvy has not been so prevalent. Another point in connection with the diet in mine compounds is its monotony; lately a large number of employers have varied the diet very considerably, and I may say that nearly all are beginning to be alive to the fact that such variety is advantageous, but the daily ingestion of 2 lbs., of mealie pap supplemented by 2 lbs. of meat once a week, and an uncertain quantity of vegetables is not quite the best diet for a worker in mines. Underground labour can never be classed as "a healthy trade," and death rate and sickness rate will probably always be higher amongst underground workers than amongst those employed elsewhere, but I hope improvements in diet, the elimination of weaklings, improvements in housing and general care, will have a very marked effect in future, but I am sure that constant surveillance is required, and the character and quality of food supplied must be unceasingly watched and accommodation of natives, *i.e.*, to say their housing, clothing, general care, &c., should be the daily task of officials appointed by Government, because they are living here under special conditions sanctioned by Government, fed and housed by employers, therefore the responsibility of this administration for their proper care is considerable.

Special Work.

By order of the Lieutenant-Governor I was appointed Chairman of the Johannesburg Housing Commission, with instructions to arrange for meetings, collect all evidence, &c. The Commission sat for several months, and a report was issued at the beginning of this year.

In the August of 1903, as a member of a Committee I was instructed to select, inspect and report on a site for a proposed Native Hospital for Johannesburg; this was done, drawings made and forwarded to the Colonial Secretary.

In February I was appointed Supervisor of Census for Witwatersrand Area, the Commissioner of Census kindly allowing me to organise and arrange for the census taking of this district, which I am glad to say has been successfully carried out.

I have, &c.,

Charles Lane Sansom,

District Medical Officer of Health,

Witwatersrand.

Sub-Enclosure 4 in No. 11.

(C.T. 155.)

Office of the Director of Customs,
Pretoria, May 4, 1904.

SIR,

IN compliance with the request contained in Treasury letter of the 26th instant, I submit, herewith, an interim report on Customs matters since the 1st July, 1903.

The imports and duties are dealt with for the eight months ending February, and the exports for the nine months ending March, 1904.

IMPORTS.

The value of imports of merchandise for the eight months ended February, 1904, amounted to £10,499,674, as compared with £12,975,940 for the corresponding period in 1902-3.

These figures do not include free importations for the South African Garrison Institutes, which ceased from the 1st February last, or goods for the Civil Administration, which, together, amounted to £579,910 for the period in question, as compared with £1,012,861 for the eight months ending February, 1903.

The importation of merchandise was distributed over the three quarters of the period under review, as follows :—

	Amount.	Duty.
	£	£
1st quarter	4,011,358	478,007
2nd quarter	4,024,646	469,030
(2 months only) 3rd quarter	2,463,670	281,540
	10,499,674	1,228,577

The duties collected for the eight months ended February, 1903, amounted to £1,469,279.

It will be observed that there is a considerable decrease both in value and duty, amounting to some 19 per cent. in the former, and some 16 per cent. in the latter.

The decrease in the value may be attributed to the fact that the re-stocking of the country with imported articles had been completed; that the Government expenditure on Repatriation and other matters was being largely reduced; to an increase of local produce; and to the unsatisfactory state of the native labour supply, upon which the staple industry of this Colony is so largely dependent.

The percentage of duty towards value was $11\frac{3}{4}$ per cent. as compared with $11\frac{1}{3}$ per cent. in the previous period.

EXPORTS.

The value of exports for the period ended the nine months 31st March, 1904, amounted to £11,285,584, as compared with £7,265,578 for the corresponding period ending the 31st March, 1903.

The figures for the three quarters of the former period as as follows :—

1st quarter	£3,475,726
2nd quarter	3,723,851
3rd quarter	4,086,007
	£11,285,584

Raw gold accounts for the bulk of the value of exports, but the 3rd quarter also contains the following items, evidencing the satisfactory progress of the Colony in

other directions: coal, £34,085; diamonds, £136,629; wool, £25,590; tobacco, £10,868.

Customs Union Convention.

The Customs Union Convention entered into between the Cape Colony. the Orange River Colony, Natal, the Transvaal, Southern Rhodesia, Basutoland, and the Bechuanaland Protectorate, came into operation on the 16th August, 1903.

The entry of the Transvaal into the Union allowed of a considerable reduction of the Customs staff of this Colony, which is, however, more than counterbalanced by the charge of 5 per cent. allowed to the Colonies through which the goods are imported for collection of the duty.

It is necessary to maintain an efficient staff, capable of dealing with importations via Lourenco Marques; of checking transactions between this Colony and other parties to the Union; and of controlling the bonded warehouses and collecting the duties paid locally, which amount to a large proportion of the total receipts.

In order to meet the convenience of such importers as desired to pay duty in this Colony, bonded warehouses have been established at Pretoria, Johannesburg, Boksburg and Volksrust.

Article III. of the Convention provides for the preferential treatment of goods the growth, produce or manufacture of the United Kingdom, on which an *ad valorem* duty is levied.

The rebates granted under this heading up to the end of February last amounted to £80,524.

Union Customs Statistical Bureau.

The question of a Statistical Bureau to deal with all Customs statistics of British South Africa on a uniform basis is now under consideration.

Free Importation by Military.

The privilege allowed to the military of free importation for mess and canteen stores has now been withdrawn, except in so far as the General Officer Commanding is concerned, and an allowance at the rate of £4 per annum is granted for each male adult of the military forces stationed in this Colony.

I have, &c.,
J. W. Honey,
Director of Customs.

The Colonial Treasurer,
Pretoria.

Sub-Enclosure 5 in No. 11.

Mines Department Report, July, 1903-April, 1904.

Office of the Commissioner of Mines, Johannesburg, May 14, 1904.

The last few months have been characterised by a slow but steady increase in the output of gold from this Colony, and a rapid and striking increase in the diamond output. The latter is of unusual importance, in view of the large interest which the State now acquires under the Precious Stones Ordinance in this Colony.

The output of coal, although checked by the absence of development in the mines, has been well maintained and should show a great increase in the future.

The Mining Industry.

The following tables give, in brief, comparisons of the mining activity between the following dates:—July, 1899, the pre-war high water mark of the industry; May, 1902, the declaration of peace; May, 1903; and the latest month for which figures are available, namely, April, 1904.

Appendix No. 1.—Table A.

Appendix No. 2.—Table B.

A summary of the labour employed at the same periods gives the following results.

Appendix No. 3.—Table C.

For the purposes of further comparison certain salient factors are here given for the six monthly periods, July-December, 1902; January-June, 1903; June-December, 1903; which mark the gradual resumption of mining activity since the conclusion of hostilities.

Appendix No. 4.*—Table D.

Prospecting by Diamond Drills.

Great activity has been displayed in boring operations since the British occupation, particularly in the far eastern and far western extensions of the Rand.

The result of these operations has been to prove a length of outcrop and sub-outcrop of the main reef series estimated at 78 miles, with an area of about 90 square miles.

A total of 36 bore holes have cut the reef at depths varying from less than a thousand feet to five thousand feet. Of these, three found the reef at between one thousand and two thousand feet, 14 between two thousand and three thousand feet, eight between three thousand and four thousand feet and the remainder at over four thousand feet.

Diamond drilling has also been proceeding in other districts, notably Heidelberg and Klerksdorp.

It is not, however, possible to give an absolutely correct or exhaustive statement of the number, positions, or results of boreholes, as this information is always treated as confidential by the companies or syndicates concerned, and the Department is not justified in asking for detailed particulars until they are ready for publication.

In the outside districts generally, and especially those of Barberton and Eastern Pietersburg, prospecting takes the form of searching for promising quartz or other surface indications, rather than deep and regular deposits such as on the Rand formation.

Prospecting is less expensive, and the individual with a modest outfit can achieve some results.

These districts are, however, retarded by the difficulties of communication, the great expense of transport, and the unhealthiness of the climate, both for man and beast, during six months of the year.

A large amount of prospecting for diamonds is being conducted in the Pretoria district, and the Premier Mine, situated some twenty miles north-east of Pretoria, is producing at the rate of 49,349 carats per month, value £67,855 [March, 1904].

Of this a large proportion of the profits will accrue to the Government when the net profits of the Company have been adjusted.

The number of prospecting licences issued on those areas which are proclaimed, and the number of applications for discoverers' rights made on those which are not, are the only indices of the activity in such districts.

From the accompanying table showing the number of mining rights registered in the Title Department for the six monthly periods since the conclusion of the war, it will be seen that the figures in the Witwatersrand districts remain practically the same, while large increases are apparent in the prospecting rights held in the two high veldt districts of Heidelberg and Klerksdorp at each end of the Rand, and in the three eastern districts along the low country.

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* Not printed.

At the same time, both in Barberton and Pietersburg, a considerable increase in base metal licences has taken place. The revenue derived from this source is, however, five-sixths lower than in the case of gold licences, and the mining prospects of those districts are at present very problematic, and the claims are held largely for speculative purposes.

The total percentage of increase of mining rights held at the end of December over the number held in June, 1902, is 51.5 per cent.

At the same time a conservative estimate has to be made as to the revenue derivable from licences next year, as the depression of the last few months has seriously affected claim-holders and some thousands of claims are at present in arrear, and a large proportion, at any rate, of these will probably lapse, to be taken up again possibly when the money market is more favourable.

Appendix No. 5.*—Table E.

Appendix No. 6.*—Table F.

Applications for discoverers' rights on unproclaimed Crown land, chiefly in the low veldt districts, number 230 since January, 1903. Up to date 33 discoverers' certificates have been issued, and one mining lease granted.

In the majority of these cases, had the land been proclaimed, the Government would be deriving direct revenue from claim licences, of which some two-thirds, however, would probably have been for base metals. At the same time, large claim areas would probably have been pegged off and prospecting would be proceeding.

Considerable disappointment has of late been expressed to the public owing to the Zoutpansberg district not being thrown open for pegging. Many persons have spent considerable sums of money in fitting up expeditions and prospecting this district, and are now waiting for the same to be proclaimed, so that they may secure likely ground on which they may carry on their prospecting work without interference.

The present cumbersome system of granting discoverers' rights has proved unsatisfactory, both to the public and to the Government.

Administration.

The Mines Department has continued on the lines indicated in the last administration report.

The decisions of discoverers' claims have involved considerable expense and trouble; the districts applied for were mostly remote, and the evidence generally has been unsatisfactory and difficult to sift.

As a result of the proclamation of the Komati Poort district on the 2nd instant, some 9,000 claims have been pegged, all for coal.

In view of the necessity for retrenchment, the estimates for the Department for the coming financial year have been reduced by about £13,000, and fifteen posts are being abolished.

The expenditure of the Department is now very little greater than that under the late Government, while it is claimed that the work is being done more efficiently and more uniformly than before the war.

The following table shows the expenditure upon the Title Department:—

	Late Government.	Present.
District	£43,920	£28,300
Head Office	—	11,700
Diagram and Mapping	—	3,400
Townships...	—	6,800
	£43,920	£50,700

* Not printed.

It will be seen that the Title Department is thus in excess of that of late Government to the extent of £6,800, the amount expended on the Township Registration Office.

This office is a new departure since the war, its functions having been extended to private townships. It deals with 75 townships, as against 20 dealt with by the Mines Department under the South African Republic. It has passed an average of 900 deeds per month.

While the expenditure in respect of mining title proper is thus the same as under the late Government, the following improvements have been made to the system:—

(A) A duplicate record of all title is established, one in the central office, the other in the district office for each district.

(B) While effective registration takes place in the head office, it is optional to hand in deeds either at the district or the central office. The balance of convenience is found to favour the central office in 90 per cent. of the transactions effected.

(C) Diagrams of all mining rights in the Colony, which were entirely neglected before the war, are now practically completely indexed and up to date, and full information in this direction is available for the public.

(D) The central office exercises an efficient control in the district, which was entirely lacking under the late system, and ensures a uniformity of practice in all matters, such as passing deeds for transfer, &c., &c.

(E) At the same time this office is dealing with 50 per cent. more mining rights than were in the books of the Department at the conclusion of hostilities.

The inspection branches will show an expenditure in salaries of £36,175 (or £3,175 over that of the late Government).

At the same time the general inspection duties are being carried out more carefully and regularly than ever before, and the statistical side of the Department has been brought to a high state of efficiency.

One of the chief duties of the Department is the furnishing of reports on mineral values of areas in which the Government is interested. This involves a large amount of travelling, and is essential in order that the Government may obtain the full amount of transfer or dues to which they are entitled.

The fact that so large a number of necessarily unskilled and inexperienced coloured persons are employed in the mines of the Transvaal makes the inspection duties, particularly on mines, so important.

Accidents due to sheer carelessness and lack of experience in mining work are necessarily far more frequent among raw Kaffirs, a large percentage of whom are always new to the work, than in a community consisting entirely, or principally, of intelligent white miners, such as exists in Australia or Europe, and the duties of the inspection staff are proportionately increased.

The expenditure in the Administrative Office of the Commissioner of Mines for next year will be £6,275 (or £225 in excess of that of the office of the Minister of Mines under the late Government). This, however, does not include the salary for the Commissioner of Mines, which is provided under another vote.

The slight increase of expenditure is accounted for by the cost of the technical library now attached to the Department, and the very large amount of business which has passed through this office since the war.

The control exercised by the Commissioner of Mines in all matters relating to this Department has been made much more real than that exercised by the Minister of Mines under the late Government, while the fact that under the present Government the Commissioner of Mines is a member of the Executive makes an exact comparison between the two offices impossible.

Appendix 7.—The half-yearly report of the Acting Government Mining Engineer for the six months ending December 31st, 1903, is attached, with the following annexures.

Appendix 8.—A. Salient statistics labour and output for the years 1899, 1901, 1902, 1903 (July) and 1904 (March).

Appendix 9.*—B. Report of the Government Mine Surveyor on boreholes exploration work in the Witwatersrand district.

APPENDIX I.—TABLE A.—MINERAL OUTPUT AND VALUE.

Month.	Gold.	Coal.	Diamonds.	Silver.	Totals.
	£	£	£	£	£
July, 1899	1,737,861	66,987	Nil	No record	1,804,848
May, 1902	600,474	53,216	Nil	No record	653,690
May, 1903	995,463	70,914	14,743	2,935	1,084,055
March, 1904	1,310,567	71,846	71,671	3,784	1,457,868

APPENDIX II.—TABLE B.—GOLD MINING.

Month.	Mines Crushing.	Stamps at Work.	Tons Milled.	Value of Yield.
				£
July, 1899	87	6,180	847,005	1,737,861
May, 1902	38	2,145	296,494	600,474
May, 1903	48	3,475	474,956	995,463
March, 1904	69	5,045	691,026	1,310,567

APPENDIX III.—TABLE C.—MINING INDUSTRY.

White and Coloured Labour employed.

Month.	Whites.	Coloured.	Total.
July, 1899	12,896	114,766	127,662
May, 1902	6,722	33,804	40,526
May, 1903	12,096	73,310	85,406
March, 1904	13,383	90,876	104,259

NOTE.—The figures given above for White and Coloured employees for July, 1899, represent the number employed by the Witwatersrand Gold Mines and the Coal Mines of the Transvaal. No figures are available for Districts producing Gold outside the Witwatersrand for that month.

* Not printed.

APPENDIX VII.

EXTRACT FROM THE HALF-YEARLY REPORT OF THE GOVERNMENT MINING ENGINEER FOR THE SIX MONTHS ENDING DECEMBER 31, 1903.

Office of the Commissioner of Mines,
Johannesburg, February 15, 1904.

SIR,

I HAVE the honour to forward herewith the report of the Government Mining Engineer for the Half-Year ending 31st December, 1903.

I have, &c.,
H. WELDON,
Commissioner of Mines (Acting).

To His Excellency
The Lieutenant-Governor.

Office of the Government Mining Engineer,
Johannesburg, February 15, 1904.

SIR,

I HAVE the honour to present statistics relating to Mines and Works in the Transvaal for the six months ending 31st December, 1903.

The statistical tables are divided into the following sections :—

I.—Labour
II.—Mineral Output
III.—Accidents and Prosecutions
IV.—Explosives and Stores

SECTION I.—LABOUR.

As will be seen from the following tables there has been an increase in the average number of employees, both white and coloured, in the *Producing Mines* of the *Transvaal*, and a decrease in both classes of labour in the *Non-Producing Mines*.

LABOUR.—GOLD MINES.—TRANSVAAL.

A.

Period.	Producing Mines.		Non-Producing Mines.	
	Whites.	Coloured.	Whites.	Coloured.
January to June, 1903	7,764	40,865	3,469	11,622
July to December, 1903	9,431	52,765	2,970	11,397
Increase	1,667	11,900	—	—
Decrease	—	—	499	225

B.—RATIOS.

Period.	Whites.		Coloured.	
	Producing Mines.	Non-Producing Mines.	Producing Mines.	Non-Producing Mines.
January to June, 1903	2·2 :	1	3·5 :	1
July to December, 1903	3·2 :	1	4·6 :	1

Thus showing that labour is being concentrated on Producing Mines.

The following comparative table shows the ratio of white to coloured persons employed in and about the gold mines of the Witwatersrand area :—

July, 1899	1 :8.578
June, 1902	1 :4.343
June, 1903	1 :5.383
December, 1903	1 :5.568

Total Labour on Gold Mines.—Transvaal.

The average total number of employees of all kinds *at work* on the gold mines of the Transvaal was as follows :—

Period.	Whites.			Coloured.		
	Average Number.	Increase.	Percentage Increase.	Average Number.	Increase.	Percentage Increase.
July to December, 1901 ...	2,552	—	—	13,248	—	—
January to June, 1902	5,627	3,075	54·6	24,527	11,279	45·9
July to December, 1902 ...	9,337	3,710	39·7	35,264	10,737	30·4
January to June, 1903	11,233	1,896	16·8	52,487	17,223	32 8
July to December, 1903 ...	12,401	1,168	9·4	64,162	11,675	18·2

Of these the gold mines in the *Witwatersrand Area* alone employed :—

Period.	Whites, %.	Coloured, %.
For July to December, 1901	97·96	97·12
„ January to June, 1902	98·19	97·48
„ July to December, 1902	96·83	94·06
„ January to June, 1903	95·23	90·10
„ July to December, 1903	94·64	91·24

Outside Districts.

Barberton.—The increase in the labour returns from this district is confined almost entirely to Non-Producing Mines.

COMPARATIVE TABLE.

Period.	Producing Mines.		Non-Producing Mines.	
	Average Number Whites.	Average Number Coloured.	Average Number Whites.	Average Number Coloured.
January to June, 1903	246	2,681	78	826
July to December, 1903	272	2,835	170	1,436
Increase	26	154	92	610

Heidelberg.—The labour returns from this district show no appreciable increase over the preceding half-year, and call for no comment.

Klerksdorp.—Owing to the closing down of the only Producing Mine in this district, and to the limited demand for labour for mining generally, the number of natives employed decreased from 455 in July, 1903, to 204 in December, 1903.

The following table shows the number of coloured persons *in the employ* of the gold mining companies of the Transvaal, and of companies' contractors on the last full working day of the month as compared with the number *actually at work.*

Gold Mines.—Transvaal.

COMPARATIVE TABLE.

1903—Month.	In the Employ.	Actually at Work.	Percentage Working.	Percentage Non-efficient.
July	68,217	61,780	90·56	9·44
August	69,688	62,705	89·98	10·02
September	70,255	62,815	89·41	10·59
October	71,659	64,968	90·66	9·34
November	72,748	65,311	89·78	10·22
December	73,622	67,396	91·54	8·46
Average	71,031	64,162	90·32	9·68
Average for previous half-year ...	57,905	52,487	90·64	9·36

Showing that percentage of non-efficients through sickness or other causes has undergone very little alteration.

It will be noticed from the foregoing table that the total increase in the number of coloured persons *in the employ* of the gold mines of the Transvaal is 5,405, or under 1,000 *per month.*

During the half-year under review, an arrangement was entered into with the prison authorities for the employment of a certain number of coloured convicts on surface works by some of the Witwatersrand Gold Mines. In July, 1903, there were 20 convicts so employed, and by December this number had been increased to 480.

Collieries.—Transvaal.

As in the case of the gold mines, the Producing Collieries show an increase in the average number of employees *at work*, both white and coloured, and the Non-Producing Collieries show a decrease in both classes of labour.

Period.	Producing.		Non-Producing.	
	Whites.	Coloured.	Whites.	Coloured.
January to June, 1903...	352	6,745	36	251
July to December, 1903	440	7,810	26	144
Increase	88	1,065	—	—
Decrease...	—	—	10	107

IMPORTANT COAL AREAS.

Period.	Springs-Brakpan.		Middelburg.	
	Whites.	Coloured.	Whites.	Coloured.
January to June, 1903...	164	3,068	147	2,859
July to December, 1903	173	3,385	198	3,490
Increase	9	317	51	631

These figures are included in the preceding table.

Number of coloured persons *in the employ* of collieries and colliery contractors on the last day of each month, compared with the number *actually at work* :—

1903.—Month.	Number in Employ.	Number actually at Work.	Percentage Working.	Percentage Non-efficient.
July	9,008	7,814	86·75	13·25
August	9,233	8,154	88·31	11·69
September	9,489	8,379	89·30	10·70
October	9,307	8,050	86·49	13·51
November	8,767	7,626	86·99	13·01
December	8,623	7,703	89·33	10·67
Average	9,071	7,954	87·69	12·31
Average for previous half-year ...	7,616	6,996	87·80	12·20

Diamond Mines.—Transvaal.

The following table shows the number of coloured persons *in the employ* of the Diamond Mines of the Transvaal on the last day of the month, as compared with the number *actually at work*.

1903.—Month.	Number in Employ.	Number actually at Work.	Percentage Working.	Percentage Non-efficient.
July	1,123	1,086	96·72	3·28
August	1,394	1,269	91·03	8·97
September	1,543	1,446	93·71	6·29
October	1,623	1,430	88·11	11·89
November	1,366	1,189	87·04	12 96
December	1,318	1,213	92·03	7·97
Average	1,395	1,272	91·18	8·82
Average for previous half-year ...	578	550	95·15	4·85

The figures for October and November are affected by the partial cessation of mining operations during those months.

The number of employees, white and coloured, for the month of December, viz., 157 and 1,318 respectively, offer a marked contrast with those for January of the same year, namely, 20 whites and 180 coloured.

Metallurgical and Chemical Works, Tailings Syndicates, Alluvial Workings, and Other Mines and Works.

The number of employees, both white and coloured, on the "Metallurgical and Chemical Works" is decreasing. In July, 1903, there were 117 whites and 380 coloured persons employed, while in December these figures had been reduced to 55 and 232 respectively.

In the case of "Other Mines and Works," the half-yearly returns show that 45 industrial concerns, producing stone, lime, machine-made bricks, &c., gave employment to an average number of 318 white and 2,384 coloured persons, recording a slight increase over the figures for the preceding half-year.

Summary.—Labour.

It may here be of interest to give figures showing the total number of persons in the service of the mining and allied industries of the Transvaal as at the 31st December, 1903, compared with those for 30th June, 1903 :—

Description.		31st December, 1903.		30th June, 1903.	
		Whites.	Coloured.	Whites.	Coloured.
Gold producing.	Gold mines	12,702	73,622	11,825	66,221
	Metallurgical and chemical works	55	232	126	360
	Tailings syndicates	7	81	5	51
	Alluvial workings	5	9	1	22
Coal mines		466	8,623	433	8,468
Diamond mines		157	1,318	107	780
Cobalt mines		3	55	3	32
Tin mines		4	33	2	23
Other mines and works		278	2,099	243	2,104
Grand Totals		13,677	86,072	12,745	78,061

Native Wages.

The following figures show the average monthly wage paid to coloured persons in the employ of gold and coal mines in the Transvaal, as compared with the scale in force previous to the war :—

——	Gold Mines.	Coal Mines.
	£ s. d.	£ s. d.
Monthly average wage for 1898	2 7 1	2 6 11
Monthly average for the half-year under review.	2 7 6	2 2 8

In addition to wages paid, the cost of feeding, housing, &c., is borne by the companies concerned.

SECTION II.—MINERAL AND PRECIOUS STONES OUTPUT.

Number of Mines at Work.

In *June*, 1903, there were 58 gold mines producing, and 96 non-producing. In *December*, 1903, the corresponding figures were 63 Producing Mines, and 95 Non-Producing.

Mine Development.

As shown by the following table, the amount of development work done in the gold mines continues to increase.

Description.	Witwatersrand Area.		Transvaal.	
	Half Year to June, 1903. *Feet.*	Half-year, to December, 1903. *Feet.*	Half-year to June, 1903. *Feet.*	Half-year to December, 1903. *Feet.*
Main Shaft Sinking	9,878	13,112	11,525	16,209
Main Drives and Crosscuts	119,571	130,822	133,746	149,071
Other Development	43,529	54,733	50,378	62,907

In connection with the above, it is to be noted that the Government do not call for returns of work classed under the heading of "prospecting."

Rock Drills.

The following statement shows the number of mines employing rock drill machines, and the average number of drills in use since December, 1901:—

Month.	Witwatersrand Area.		Transvaal.	
	Number of Mines using Rock Drills.	Average Number of Rock Drills in use.	Number of Mines using Rock Drills.	Average Number of Rock Drills in use.
December, 1901	25	238·2	25	238·2
June, 1902	50	671·0	51	673·0
December, 1902	60	994·0	64	1,004·0
June, 1903	68	1,313·7	72	1,339·7
December, 1903	72	1,561·2	76	1,577·2

Sorting.

In July, 1902, the percentage of waste sorted on surface amounted to 20.788 per cent., and in December, 1902, to 13.808. In June, 1903, the percentage was 13.895, and it is now (December, 1903) 16.871.

Value of Mineral Outfit.—Transvaal.

Period.	Gold.	Silver.	Coal.	Diamonds.	Chemicals.	Stone, Lime, Bricks, &c.	Total.
	£	£	£	£	£	£	£
July to Dec., 1903 ...	7,040,547	20,771	465,502	195,796	13,608	155,480	7,891,704
Jan. to June, 1903 ...	5,587,510	15,974	412,474	43,956	10,962	103,816	6,174,692
Increase ...	1,453,037	4,797	53,028	151,840	2,646	51,664	1,717,012

Gold.

The total output from all sources in the Transvaal for the half-year ending 31st December, 1903, amounted to 1,657,484.682 ounces fine, valued at £7,040,547, an increase over the preceding half-year of 342,072.210 *ounces*, valued at £1,453,037.

The following comparative table shows the various districts and sources from which the above total output for the half-year has been derived :—

—	July to December, 1903.		—	January to June, 1903.	
	Ozs. Fine Gold.	Value.		Ozs. Fine Gold.	Value.
		£			£
1. Gold Mines, Witwatersrand.	1,562,040·476	6,635,132	as against	1,225,123·794	5,203,992
2. Gold Mines, Other Districts.	56,674·239	240,736	„ „	51,701·137	219,612
3. Metallurgical and Chemical Works.	37,353·020	158,662	„ „	36,687·589	155,836
4. Miscellaneous Contributors.	1,416·947	6,017	„ „	1,899·952	8,070

During the month of December, 1903, there were :—

52 mines crushing on the Witwatersrand with 4,340 stamps.
1 „ „ at Heidelberg „ 30 „
7 „ „ at Barberton „ 265 „
2 „ „ at „ Dry crushing.

62 mines crushing in the Transvaal.

And in addition, one mine at Klerksdorp, in the Potchefstroom Magisterial District, which is being worked on tribute, whilst not actually milling, produced gold from sands treated.

The average number of stamps for the half-year ending 31st December, 1903, was 4,019, as against 3,151 for the previous half-year.

[Referring to table No. 13a, it will be noticed that, for the purpose of uniform comparison, this Department adheres to the following system :—The number of "stamp hours" for the period is calculated, and from this data the theoretical number of stamps which ran continuously for 184 days (the full calendar period of the half-year July to December) is arrived at.]

The duty per stamp per 24 hours averaged 4.835 tons, as against 4.827 tons for the preceding half-year, and 4.561 tons for the year 1898.

For each ton of ore crushed ... ... 1.173 tons of rock were raised.
„ ounce of fine gold produced ... 2.530 „ „ „
„ stamp at work ... ... 5.671 „ „ „ per day.

On the producing mines of the Witwatersrand, the number of persons at work per stamp in December was 13.72, as against 15.99 in July, 1899, and the tons of ore milled per person at work was 10.05, against 8.46 in July, 1899.

The following is a comparison of the work done on the mines during August, 1899 (in which month the highest point with regard to the output of the mines of the Transvaal was reached), with the corresponding figures for December, 1903 :—

—	August, 1899.	December, 1903.
No. of stamps at work	6,070	4,635
Tons of ore crushed	856,233	622,718
Duty per stamp per day (Witwatersrand only.)	4·86 tons.	4·909 tons.
* Total yeld, inclusive	410,965·05 ozs.	285,693·618 ozs.
* Dwts. fine gold per ton crushed ...	9·595 dwts.	9,176 dwts
* Yield from mills...	265,584·10 ozs.	178,072·774 ozs.
* Percentage of fine gold from mills to total.	64·624 per cent.	62·330 per cent.

* For the purposes of comparison, these figures include the gold extracted from the ore crushed by the Mines whether that gold was extracted by the Mining Companies themselves or by the Metallurgical and Chemical Works, who buy concentrates, etc., for treatment.

Column "A" of the statement below shows the gold recovered by the mines, not taking into consideration the gold contained in products sold.

Of this amount, 1,562,040.476 ounces (fine) were produced by the mines in the Witwatersrand Area, the remaining 56,674.239 ounces represent that produced in other districts.

Column "B" of the same table shows the gold produced from the ore raised and crushed by the mining companies, including gold estimated to be contained in products sold :—

Month, 1903.	Stamps.	"A." Fine Gold.	"B." Fine Gold.
		ozs.	ozs.
July	3,950	245,840·437	251,531·482
August	4,267	267,143·263	271,396·937
September	4,355	269,911·898	275,342·116
October	4,490	279,101·500	283,205·493
November	4,545	274,455·532	278,688·623
December	4,635	282,257·085	285,693·618
Averages and Totals ...	4,019	1,618,714·715	1,645,858·269

The yield per ton crushed, based on the gold officially declared by companies to the Government during the year, and therefore excluding gold contained in bye-products, concentrates, lead bullion, &c., not treated on the mines, works out at 9.054 dwts., or 38.458 shillings, calculated on column "A" of the above figures. The yield per ton crushed by the mines in the Transvaal, calculated on column "B" of the above figures, works out at 9.206 dwts., or 39.103 shillings.

The close of the calendar year 1903 also brings to a conclusion the first half of the statistical year 1903-4, and it may here be of interest to reproduce the figures of the gold output since the resumption of mining operations subsequent to the war.

	Value of gold.
May to December, 1901	£1,097,219
January to December, 1902	7,301,501
January to December, 1903	12,628,057

The value of gold produced during the past year is therefore at the rate of £1,052,338 per month.

* * * * * * * *

COLONIAL OFFICE NOTE: The remainder of the Report, which is bulky, is not printed.

APPENDIX VIII.

LABOUR.

Complete statistics for the year 1899 are not available owing to the outbreak of the war, but for the month of July of that year certain figures have been arrived at and are taken as a basis for comparison, as this was the latest month in which the Mining Industry was not affected by the political aspect.

COMPARATIVE TABLE showing LABOUR employed by the GOLD MINING INDUSTRY.

TABLE A.

Month.	Mining Areas.												Grand Total.		
	Witwatersrand.			Heidelberg.			Barberton, Lydenburg, and Pietersburg.			Klerksdorp.					
	Whites.	Colrd.	Total.	Whites.	Colrd.	Total.	Whites.	Colrd.	Total.	Whites.	Colrd.	Total.	Whites.	Colrd.	Total.
1899. July ..	12,530	107,482	120,012	Not known.			Not known.			Not known.			1,793	11,475	13,268
1901. July ..	1,748	11,119	12,867	17	135	152	18	147	165	10	74	84	8,162	32,616	40,778
1902. July ..	7,993	31,650	39,643	32	273	305	107	463	570	30	230	260	11,873	68,217	80,090
1903. July ..	11,208	61,906	73,114	202	1,582	1,784	408	4,274	4,682	55	455	510	12,681	79,569	92,250
1904. March ..	11,991	72,608	84,599	165	1,808	1,973	464	4,808	5,272	61	345	406			

COMPARATIVE STATEMENT showing Labour employed by the COAL MINING INDUSTRY.

TABLE B.

Month.	Mining Areas.									Grand Total.		
	Springs Brakpan.			Middelburg.			Other Districts.					
	Whites.	Coloured	Total.	Whites.	Coloured	Total.	Whites.	Coloured	Total.	Whites.	Coloured	Total.
1899. July	202	4,279	4,481	110	1,870	1,980	54	790	844	366	6,939	7,305
1901. July	77	1,731	1,808	30	552	582	48	1,026	1,074	155	3,309	3,464
1902. July	139	3,550	3,689	64	1,311	1,375	61	996	1,057	264	5,857	6,121
1903. July	183	4,046	4,229	178	3,672	3,850	92	1,290	1,382	453	9,008	9,461
1904. March ..	173	3,530	3,703	226	4,048	4,274	82	1,180	1,262	481	8,758	9,239

COMPARATIVE STATEMENT SHOWING LABOUR EMPLOYED BY THE DIAMOND MINING INDUSTRY.

TABLE C.

Month.	Totals.			Remarks.
	Whites.	Coloured.	Total.	
1899. July	Nil	Nil	Nil	All the Diamond Mines are situated in the Pretoria District. The Christiana River diggings give employment to about 50 whites and a few natives.
1901. July	Nil	Nil	Nil	
1902. July	Nil	Nil	Nil	
1903. July	125	1,123	1,248	
1904. March	177	2,233	2,410	

SUMMARY OF TABLES A, B, and C, showing persons employed by the Gold, Coal, and Diamond Mines of the Transvaal.

Month.	Gold Mines.			Coal.			Diamond.			Totals.		
	Whites.	Coloured	Total.	Whites.	Coloured	Total	Whites.	Coloured	Total.	Whites.	Coloured	Total.
1899. July	12,530	107,482	120,012*	366	6,939	7,305	Nil	Nil	Nil	12,899	114,421	127,320
1901. July	1,793	11,475	13,268	155	3,309	3,464	Nil	Nil	Nil	1,948	14,784	16,732
1902. July	8,162	32,616	40,778	264	5,857	6,127	Nil	Nil	Nil	8,426	38,473	46,899
1903. July	11,873	68,217	80,090	453	9,008	9,461	125	1,123	1,248	12,451	78,348	90 799
1904. March ..	12,681	79,569	92,250	481	8,758	9,239	177	2,233	2,410	13,339	90,560	103,899

* Witwatersrand only.

OUTPUT.

COMPARATIVE STATEMENT, MINERAL OUTPUT, TRANSVAAL.

Month.	Gold.		Coal.		Diamonds.		Silver.*	
	Fine Ozs.	Value £	Tons.	Value £	Carats.	Value £	Fine Ozs.	Value £
1899. July	409,127	1,737,861	195,256	66,987	Nil	Nil	Nil	Nil
1903. March	219,855	933,888	171,805	68,784	1,319	1,788	25,725	2,639
1904. March	308,533	1,310,567	193,033	71,846	51,907	71,671	34,769	3,784

* Silver contained in Gold Bullion.

Comparative Statement. Gold Output by Districts. Transvaal.

Month.	Witwatersrand.					Barberton.					Heidelberg.					Klerksdorp.					Total for Transvaal.				
	Mines crushing.	Stamps at work.	Tons milled.	Yield		Mines crushing.	Stamps at work.	Tons milled.	Yield.		Mines crushing.	Stamps at work.	Tons milled.	Yield.		Mines crushing.	Stamps at work.	Tons milled.	Yield.		Mines crushing.	Stamps at work.	Tons milled.	Yield.	
				Fine.	Value.				Fine.	Value.				Fine.	Value.				Fine.	Value.				Fine.	Value.
1899.				ozs.	£				ozs.	£				ozs.	£				ozs.	£				ozs.	£
July	71	5,875	795,444	383,913	1,630,760	9	—	—	17,745	75,376	2	55	8,551	5,699	24,207	1	80	9,406	1,770	7,518	83	—	—	409,127	1,737,861
1903.																									
March	46	3,100	435,241	211,326	897,657	8	200	17,044	6,956	29,547	1	20	2,464	1,573	6,684	—	—	—	—	—	55	3,320	454,749	219,855	933,888
1904.																									
March	56	4,695	657,495	298,107	1,266,281	11	310	28,540	7,581	32,203	1	40	4,991	2,743	11,649	1	—	—	102	434	69	5,045	691,026	308,533	1,310,567

Sub-Enclosure 6 in No. 11.

Report of the Director of Agriculture for the portion of the Financial Year, commencing 1st July, 1903, and ending 30th April, 1904.

Transvaal Department of Agriculture,
Pretoria, 12th May, 1904.

The period under review has been occupied in organising and developing the Department along the lines laid down in the report presented to His Excellency the Governor prior to the establishment of the Department in July, 1902, in attending to what may be termed the routine work of the Department, in promoting certain legislation dealing with agricultural affairs, and in dealing with matters of exceptional importance and urgency as they arose.

To form an entirely new department where none has previously existed, and to do this at high pressure owing to the exigencies of the situation created by the late war, and in the midst of the bustle and confusion attendant upon the re-settlement of the Colony, to get it so far equipped and into working order that routine business can be conducted and special emergencies dealt with as they occur, to lay the foundations broad and deep with a view to permanency and future extension ; has been a trying and a difficulty task, and though it cannot be said to be by any means completed, yet it has been well advanced, and in addition to the preliminary work in connection with the formation of the Department, a great deal of ordinary official business has been transacted.

In common with the Assistant Director and myself, the Heads of the various Divisions have travelled about the Colony a great deal, in order to ascertain its capabilities from an Agricultural point of view, and to make the acquaintance of the farmers, study their methods and discuss their difficulties.

Efforts have been made to attend gatherings of farmers whenever possible.

Members of the staff have frequently acted as judges at agricultural shows held both in this and other So th African Colonies, and many lectures and addresses have been delivered on various occasions.

The fact of having a number of well-trained veterinary surgeons distributed throughout the Colony, taking a sympathetic and intelligent interest in the welfare of the live stock, and being at hand to deal with outbreaks of contagious disease as they occur, is also having a good effect.

The experimental farms, fruit gardens, seed-trial grounds, co-operative field experiments, forest nurseries, and other agencies, though only recently established, have been very helpful in the same direction ; whilst last, but by no means least, the publications and correspondence issued from the Department have greatly assisted in making its work and aims known.

The Resident Magistrates and the members of the South African Constabulary have likewise aided us very considerably, by keeping us informed of the condition and needs of the various districts, and generally assisting us in the carrying out of our projects therein.

During the year the following appointments have been made :—

C. B. Simpson ... Chief, Division of Entomology, 11th August, 1903.
A. C. MacDonald ... Assistant Director, 1st October, 1903.
H. Nicholson ... Manager, Experimental Farm, Ermelo, 16th October, 1903.

whilst J. A. Kinsella, Dairy Expert, resigned on 31st December, 1903.

At present the constitution of the Department is as follows :—

Director of Agriculture...	F. B. Smith.
Assistant Director of Agriculture	A. C. MacDonald.
Principal Veterinary Surgeon	Stewart Stockman.
Government Veterinary Bacteriologist	Dr. A. Theiler.

Chief Chemist	Herbert Ingle.
Agrostologist and Botanist	J. Burtt-Davy.
Entomologist	C. B. Simpson.
Horticulturist	R. A. Davis.
Assistant Chief Forester	C. A. Legat.
Chief of Division of Publications	William Macdonald.
Poultry Expert	R. Bourlay.
General Manager, Experimental Farm, Potchefstroom	Alexander Holm.
General Manager, Government Stud Farm, Standerton	C. H. Blackburne, D.S.O.
General Manager, Experimental Farm, Ermelo ...	H. Nicholson.

With the exception of our dairy work, which has been to a certain extent suspended by the resignation of Mr. Kinsella, provisions are made for the carrying out of the most important and urgently-needed branches of administration and research.

For the time being tobacco investigations are being carried on by the Land Department on the Government Estate in the Zoutpansberg district.

Just now we are in need of a Plant Pathologist and an Assistant Entomologist. Provision has been made for these officers in the Estimates, and as soon as they are passed the appointments will be made.

At the commencement of the new financial year the Division of Locust Destruction will cease to exist as an independent division, and its functions will be undertaken by the Division of Entomology, with which it is fitting it should be connected.

The Staff, and indeed everyone connected with the Department, have worked hard and enthusiastically, each individual taking a keen interest in the work allotted to him, and devoting the whole of his time and attention to bringing it to a successful issue.

I regret to say that there has been a good deal of sickness amongst the various officials, no less than eight cases of enteric, and four severe cases of malaria, besides other ailments, occurring in the Department since last July. Two unfortunate men also met their deaths whilst in our employ—one by lightning, and the other by drowning.

The work which has been performed by the various Divisions is so clearly set forth in the reports of the chiefs of the same, and attached to the report as annexures, that it appears unnecessary to discuss them in detail.

The strain upon some of them, and upon the Veterinary Division in particular, has been exceedingly heavy, and the amount of work got through has been very great.

The experimental farms appear to be fulfilling a want, and they have been visited by large numbers of farmers and others, who have examined the stock and crops and the various operations which were being conducted thereon very closely.

As an example of the interest which is being taken in stock-breeding, and of public spirit on the part of a wealthy landowner, it should be recorded that Mr. W. H. Struben has generously offered the use of a fine farm in the neighbourhood of Pretoria to the Department for 21 years for the purpose of maintaining thereon a herd of pure-bred Africander cattle. It is needless to say the offer was gratefully accepted, and a herd of 50 as fine Africander cattle as were obtainable have been procured as foundation stock.

The year which is now drawing to a close, *i.e.*, that ending on the 30th June, has been much more favourable to farmers than the one which preceded it. Last year there was a long drought relieved only by a few heavy and precipitate late rains, and succeeded by an early frost; this year abundant rains fell during the summer months, and they were more gentle in character and distributed over a longer period than is usually the case, with the result that the earth has become thoroughly soaked, and the springs, pans, and dams effectively replenished.

The season has also continued open, and there has been an absence of the early frosts which did so much damage last autumn.

There have been a few destructive hailstorms, but these have been confined to very small areas.

During the year a good deal of land was broken up, and a comparatively large area of crops sown, larger, possibly, than has ever been sown before. The reason for this is not difficult to discover. The season was very suitable for breaking up the veld, and the farmers were in some measure settled on their holdings, and were better equipped as regards implements and draught animals than last year ; there was also the stimulus afforded by the presence of new settlers scattered over the face of the country, and the still more powerful incentive of being obliged to provide for immediate wants, for both repatriated Boer and new settler were very short of ready money.

CROPS.

The crops were on the whole good, some it is true suffered from hasty and imperfect preparation of the ground, and from crude methods of sowing and cultivation, and there were losses from insect pests and other diseases in places, but not more than usual, whilst locusts, one of the most disastrous and overwhelming of pests when they appear in force, caused very little damage.

A certain amount of loss and disappointment was occasioned by the unwitting use of bad or unsuitable seed, but the liability of such mishaps occurring in the future will become less and less as the Colony becomes more settled and the farmers either raise their own stocks or learn where to procure exactly the seeds they require.

Mealies, Kaffir corn, and potatoes were the principal crops sown, the summer crop of the last-named suffering somewhat from wet weather at the time of harvesting.

A small quantity of wheat and barley was grown on irrigable lands during the winter, and a considerable area of oat-hay or forage, *i.e.*, oats intended for feeding to stock in the straw and cut shortly before arriving at maturity.

Tobacco was good also, and was freely grown in some districts.

Oranges and Naartjes may be described as moderate, whilst other fruits where properly cared for have done well.

An evident disposition to try new crops, such as lucerne, mangels, turnips, &c., was manifest, and a good many experiments were made by farmers in different parts of the Colony with crops of various kinds.

The veld was very good and a great contrast to last year ; the summer grazing was excellent. The prospects for winter keep, especially where shelter is obtainable, are good likewise.

Live Stock have done exceedingly well where free from disease. Immediately after the war the demand was mainly for cattle, and these chiefly for draught purposes, and not much attention was paid to sheep, but latterly sheep have been much sought after as being less liable to disease and capable of yielding quicker returns than cattle, and large numbers have been recently introduced. For the High Veld Merinos appear to be the favourite, whilst for the Low Veld where blue-tongue and other tick-borne diseases are prevalent Persian sheep are preferred.

In the more remote districts of the Low Veld the natives are said to possess a considerable quantity of cattle and goats, some of which were preserved during the war, and others probably introduced shortly after from neighbouring territories.

A good deal of interest is being taken in pigs, and these thrifty animals are in good demand, they are comparatively easy and inexpensive to keep, increase very rapidly, and so far pork has realised good prices. It is thought by many that the advent of Chinese labourers will further increase the demand.

The farmers have been greatly handicapped by diseases of various kinds, but it is satisfactory to note that with the exception of Rhodesian red-water, which is yet greatly to be feared, the situation has materially improved during the year, and live stock of all kinds are in a much healthier and better condition than they were twelve months ago. The accumulation of animals afflicted with almost every conceivable disease, which was one of the legacies of the war, has been pretty well worked off, the animals for the most

part having died or been destroyed, and we are now chiefly concerned with the various forms of endemic disease, and with the so-called Rhodesian Red-water or East Coast Fever.

This disease has spread over a large portion of the Colony, and has occasioned grave loss and inconvenience; stringent measures have been taken to arrest its progress by strictly quarantining farms upon which the disease has appeared, by closing all roads suspected of infection, and by limiting all movements of cattle as much as possible.

Unfortunately the districts where tick fever is the worst are also those in which horse sickness is most prevalent, so the condition of the farmers in these localities is indeed a hard one, now that oxen, their great stand-by for draught purposes have failed them.

Mules suffer from horse sickness nearly as severely as horses, but donkeys are more immune, consequently the farmers have had to rely upon these animals for draught purposes. In order to assist the farmers a system of donkey transport has been provided by the Government in quarantined areas, which unfortunately in many cases surround the chief markets of the district, and these in some measure lessen the inconvenience occasioned by the disease.

Camels are also being tested with a view to determining their suitability for draught and transport purposes.

Had it not been for the outbreaks of disease, the stock introduced by repatriation and other agencies would have succeeded well, as indeed they have done wherever they have escaped infection.

The pure-bred Friesland cattle presented by the people of Holland to the Boers have by all accounts behaved very satisfactorily, and so have the pure-bred British stock imported by this Department, but they have been kept upon the high veld and have been carefully looked after, and this no doubt accounts for their success.

Speaking generally the importation of cattle from oversea from other than tick infected areas is still attended with considerable risk and should only be undertaken on a limited scale, and under circumstances which ensure the animals being suitably located and cared for upon arrival.

That the Transvaal in particular, and South Africa in general, will become a great stock raising area there can be little doubt, but until local conditions are better understood, and the various diseases got more under control, importation upon a large scale will be a risky business, and we shall have to make as much use as possible of such native stock as is available, gradually grading them up with the acclimatised produce of imported animals, the importation and acclimatisation of pure-bred animals being conducted by the Government or by farmers possessing a sound knowledge of stock, and who make it their business to give then the attention they require.

At the present time, owing to the ravages of Rhodesian red-water, and to the dread of its spreading yet further, there is a very poor market for cattle of all descriptions, and prices have fallen considerably during the present year.

So far we have not been able to devise any very satisfactory method of collecting agricultural returns, so it is not possible to furnish any very definite information as to the acreage under the various crops, nor of the yields of the same, nor of the amount of live stock in the colony. Nor, on the other hand, has it been possible to ascertain with any exactitude what our requirements in the way of foodstuffs and agricultural produce generally are likely to be, but when the returns of the census which has recently been taken are available much light will be thrown upon the above points, and we shall then be able to approximately gauge our resources and requirements.

LABOUR.

As with the mining interest, so with the agricultural, the labour question is one which concerns us deeply. Hitherto, practically the whole of the manual labour upon the farms has been performed by natives.

In the olden days native labour was cheap and plentiful, the remuneration being the privilege of squatting upon the farms, and possibly a certain amount of mealie meal for food and other small perquisites. The "boys" would work for the farmer during the greater portion of the year, whilst girls and piccannies would also lend a hand when required; but since the introduction of mining, the growth of towns, and the general opening up of the Colony, a great change has come over the native, his rate of pay has increased enormously, and he now receives from £2 to £3, or even more per month in addition to food and sleeping accommodation; but not alone has the actual increase of wages to be considered, but the fact of raw natives being able to earn such large wages upon the mines or in the towns has had a very prejudicial effect upon their character; they have become careless, indifferent, impatient of restraint, and disinclined to work upon the land, or to remain at any job for more than a few months at a time.

At the present not only is native labour very scarce and difficult to obtain, but it is very inferior in quality and even when procurable unduly expensive, for to pay a native who is incapable of performing anything but the simplest operations, and who needs nearly as much supervision, humouring, and keeping up to work as a child, and who unusually makes but short days as compared with labourers in Europe, from £2 to £3 per month, with food and lodgings, is surely absurd, and yet this is what is taking place in the Transvaal to-day.

Until recently it was a comparatively rare occurrence to find a white man working upon the land, or indeed performing any kind of manual labour, not that the climate is unsuited to it, but because in the early days black labour was so cheap and abundant that there was no necessity for white men to use their hands, and because of it being considered beneath the dignity of a white man to work with a black, or to do work which could be performed by the latter; but owing to the changes wrought by the war and to the influx of new settlers who are perforce obliged to work in order to obtain a living, this attitude is being rapidly broken down.

At the present time white labour varies from 6*s*. to 10*s*. per day, and the supply, though not abundant, appears to be increasing.

IMPLEMENTS AND MACHINERY.

It is satisfactory to note that many large firms of agricultural implement makers have directed their attention to our requirements, and as the result a large and varied assortment of up-to-date agricultural implements and machinery has been introduced.

The farmers have purchased them as freely as their means would permit, and this disposition to invest in improved types of labour-saving machines is good in itself as the skilful use of the same is one of the secrets of successful farming, but in the present instance a word of caution is necessary, for unless the implements are selected with discretion, properly handled, and carefully attended to, great loss must inevitably result, and it is to be feared that this is what is occurring at the present time, and that much of the farming gear recently purchased at a great expense has depreciated enormously during the short time it has been in use, so much so indeed that unless better care be taken of it in the future many farmers will very soon have to almost entirely renew their stock of implements, harness, &c.

PRICES OF LIVE STOCK AND PRODUCE.

The following list shows approximately the current prices of live stock and produce, the latter delivered at Pretoria and Johannesburg :—

Cattle.—High-grade colonial milch cows, up to £40.
Trek oxen, £12 to £16.
Slaughter oxen, about the same.

Horses.—Useful animals, from £15 to £30; salted horses, or specially good hacks or carriage horses, considerably more.

Sheep.—Africander and Persian, about £1.
Merinos, from £1 to £2, according to quality.

Goats.—

Pigs.—

	s.	d.		s.	d.
Bran, per bag of 100 lb. net	7	0	to	7	6
Barley, per bag of 160 lb. net	14	0	„	15	0
Barley, green, per 100 bundles	12	6	„	17	6
Bedding, per load	10	0	„	60	0
Chaff, per bale of 200 lb. net	4	6	„	7	6
Ducks, each	4	6	„	6	0
Eggs, per dozen, new laid	3	0	„	4	6
Eggs, per dozen, Colonial	1	0	„	1	3
Beans, per bag of 200 lb. net...	45	0			
Forage, per 100 lb.	7	9	„	9	0
Fowls, each	2	6	„	4	0
Firewood, per 100 lb.	1	0	„	1	9
Geese, each	7	6	„	9	0
Manna, per 100 lb.	4	6	„	6	0
Mealies, per bag of 200 lb. net, white	15	9	„	16	6
Mealies, per bag of 200 lb. net, yellow	18	0	„	18	6
Mealie Meal, per bag of 180 lb. net	7	9	„	15	0
Milk, per bottle (6 bottles = 1 Imperial gallon)	0	6	„	0	9
Pigs, per lb., live weight	0	5	„	0	6
Potatoes, per bag of 160 lb. net, local	10	0	„	20	0
Potatoes, per bag of 160 lb. net, Colonial	8	6	„	15	0
Salt, per bag of 200 lb. net	7	0	„	7	6
Turkeys, hens, each	7	6	„	8	0
Turkeys, cocks, each	10	0	„	15	0
Tobacco, cut, per lb.	0	4	„	0	4½
Tobacco, roll, per lb.	1	0	„	1	3
Hay	1	6	„	2	6
Lucerne	8	0	„	9	0
Oranges, per 100	7	0	„	8	0
Bananas, per 100	5	0			
Pineapples, per doz.	3	0	„	4	0
Apples, per 100	6	0	„	15	0

During the year the prices of cattle have fallen considerably, owing mainly to the danger threatening from Rhodesian red-water, and to the quarantining of farms on account of the same.

The prices of oat-hay, potatoes, mealies, and produce generally have also fallen somewhat, this being due to the larger areas of land under cultivation and to the better yields.

To anyone unacquainted with local conditions the prices quoted above may appear absurdly high, but it must be remembered that expenses are very high also. Labour is absurdly high, but it must be remembered that expenses are very high also. Labour is very dear ; the cost of agricultural implements and manures must be put down at nearly double what it would be in Europe. Transport and railway rates are very high also, and added to this there is the risk of hail and disease of all kinds. It is hoped that as soon as agriculture becomes more developed and better organised and as relief is obtained from

the various plagues which so greviously beset it, and labour is reduced to a reasonable basis, the farmers, whilst obtaining for themselves a better living, may be able to produce foodstuffs at a much more reasonable rate than at present.

AGRICULTURAL SOCIETIES.

A good deal of interest has been manifested in these associations, and several of the societies which existed previous to the war have been resuscitated, whilst other new ones have formed ; at one time some of them displayed a tendency to embark upon politics, but wiser councils prevailed, and they decided to restrict themselves to their more legitimate functions.

The late Government spent large sums of money in subsidising agricultural societies, but it is questionable whether in many instances the funds so provided did much real good, for as a rule the money was almost entirely devoted to the holding of an Annual Show, which by reason of the lack of knowledge on the part of many of the judges and by the casual manner in which they were conducted, often did little other than provide a pleasant outing and furnish a few people with a certain amount of money in the way of prizes.

Properly conducted agricultural societies or associations can become very powerful agents for good, and the policy of the Department has been to support and encourage them as much as possible, and to influence them in such a way as to render them both stimulating and educational.

An agricultural society should aim at doing something more than holding an annual show, however good that may be in itself, and there is every indication of the societies which have recently been formed or re-formed as the case may be, realising this, and extending their functions accordingly.

There are old-established and well-managed societies in Cape Colony and Natal, and negotiations are now being conducted with a view to forming a Central Union or Association of all the Agricultural Societies of the various British Colonies in South Africa.

This also will be a step in the right direction, for there are many subjects pertaining to agriculture in South Africa which can be usefully discussed in common.

STUD BOOK.

So far the only public records which have been kept of the pedigrees of live stock have been those kept by breeders of race horses, but, as with the proposed South African Agricultural Union, negotiations are now in progress with the Departments of Agriculture and other interested bodies in the various South African Colonies for the publication of a joint system of registration of pure-bred imported animals and their produce, and of approved pure-bred animals of native breeds.

Such a record should prove most useful in many ways ; it would serve to maintain the purity of the different imported breeds, to establish profitable types, and to awaken interest in the keeping of good stock.

There are also several clubs or societies interesting themselves in poultry-keeping, and these societies are likewise endeavouring to amalgamate the various poultry clubs throughout South Africa, so as to insure uniformity of management and mutual support.

CO-OPERATION.

Though it is early yet for much to have been accomplished in this direction, yet it is encouraging to note that several projects for co-operative associations for the purchase and sale of farm requisites and produce, and in the case of tobacco and so forth, for the curing and manufacture of the same, are being discussed amongst the little communities of British settlers.

Such societies are badly needed, and it is to be hoped that many of them will be established before long.

COLLATERAL AGENCIES.

It is satisfactory to note that in addition to the work which is being performed on behalf of the farmers by this department, several other agencies both State and private are at work in the same direction also. As regards Government agencies, the Land, Meteorological, Irrigation, and Public Works Departments should be mentioned ; whilst the Education Department is assisting us by giving courses in nature study, providing school gardens and so forth.

The Transvaal Game Protection Society and the Trout Acclimatisation Society are also performing valuable service by endeavouring to increase the amenities and enjoyments of country life.

CO-OPERATION WITH OTHER COLONIES.

It augurs well for the future of South Africa to find the various Colonies anxious to co-operate as much as possible in matters pertaining to agriculture.

From every point of view Inter-Colonial Co operation is most desirable, and as regards agriculture it is particularly so, as there are many points in connection with the eradication of disease, and so forth, which can only be dealt with effectively and economically by the whole of the Colonies in the Sub-Continent acting in concert.

As an earnest of the desire above mentioned, conferences have already been held by the chief veterinary surgeons of the various Colonies, with a view to uniformity in veterinary administration, and of State entomologists and horticulturists.

The negotiations which are in progress for the formation of an Agricultural Union, for a Poultry Union, and for a Joint Stud Book have already been noticed.

Legislation.—During the last Session of the Legislative Council four measures of great importance to agriculturists were passed ; these are, the Stock Theft Ordinance, the Fencing Ordinance, the Great Stock Brands Ordinance, and the Diseases of Plants Prevention Ordinance.

The Stock Theft Ordinance is a measure designed to assist the police in their efforts to prevent thefts of stock, which since the war have been prevalent.

The main provisions of the Fencing Ordinance are these : the Landowners in a Ward may, under certain conditions, request the Lieutenant-Governor to proclaim it as a fencing area, and this being done any person wishing to fence his land can call upon his neighbour to erect a fence along one-half of their common boundary, or as an alternative, to pay one-half of the cost of the whole fence.

For districts which have not been proclaimed fencing districts, the adjoining owner only has to pay the half share of a fence erected along his boundary in case he makes use of it for his own purposes.

Fencing is urgently and imperatively needed in this Colony if stock diseases are to be stamped out and farming economically and effectively carried on, but though the more enlightened Boers admitted the strength of the arguments in favour of universal inclosure, they urged that at the present time, owing to the straitened circumstances of the farmers, it would be a hardship to compel them to fence, so in deference to their requests the Ordinance was left the permissive measure it now is.

The Brands Ordinance provides for the branding of great stock, *i.e.*, horses, mules, donkeys and cattle, it is based on the famous Queensland Acts, and is probably one of the simplest and most scientific of any Branding Act in existence. Like the Fencing

Ordinance it is permissive, but it is so easy to comply with, and such a safeguard to stock owners, that there is every indication of its coming into general use almost immediately.

The Diseases of Plants Ordinance is another useful Act, which empowers the Lieutenant-Governor to make regulations dealing with the admission of plants or portions thereof from abroad, and for the inspection, and if necessary, cleansing of nurseries within the Colony and for the prevention of plant diseases generally.

The above-mentioned Ordinances, together with the Diseases of Stock Ordinance, which was previously passed, provide for some of our more pressing needs, but a Forestry Act and a Locust Act are also badly required, and finally there is the vexed and involved question of water rights to be dealt with.

FINANCES.

The vote for this Department for the current year amounted to £134,845, exclusive of a sum of £19,120 appearing in the Public Works Department vote, and of the printing of the Journal and other publications which were performed by the Government Printing Works.

As the financial year has yet two months to run it is impossible to specify our expenditure exactly, but it is probable that a small saving will be effected upon the Agricultural vote proper, and a saving of about £4,000 on the items inserted on our behalf in the Public Works Department vote.

Receipts for the year will probably amount to about £3,000 to £4,000.

The estimates for next year amount to:—Expenditure £109,338 in the Agricultural vote, and about £5,000 in the Public Works Department vote. Receipts £7,150.

The various heads under which the expenditure will be incurred are specified below:—

	£
Administrative Division	8,315
Veterinary Division	27,766
Bacteriological Laboratory	13,695
Forestry Division	16,770
Botanical Division	4,050
Entomological Division	3,800
Chemistry Division	2,241
Horticultural Division	4,123
Division of Publications	2,006
Poultry Division	1,847
Experimental Farms, including Potchefstroom, Standerton, Ermelo, Springbok Flats.	13,525
	£98,138

Miscellaneous :—

	£
Grants in aid of Agricultural Societies	5,000
Contingencies	1,500
Rewards for destruction of vermin	2,000
Purchase of pedigree merino sheep	1,000
Grants in aid of forestry	1,000
Burr-weed destruction	500
Dairy appliances and sundries	200
	£109,338
Revenue	7,150
Total	£102,188

I am aware that the cost of the Department may appear, and indeed is, considerable, but it must be borne in mind that a certain amount of the outlay is for equipment and so forth, and is really in the nature of capital expenditure.

Another factor which materially aids to swell the total, is the great cost of living, and of getting anything done in South Africa.

The Agricultural Estimates for Cape Colony for the ensuing year amount to £350,689.

WORK ACCOMPLISHED.

It is too early yet to say much under this head, but it is encouraging to note that there are indications of considerable expansion and improvement of the agricultural industry ; more land is being broken up, new implements bought, and improved methods of cultivation adopted. More care is being taken to improve and provide live stock ; there is less burning of the veld, and the better-to-do farmers are fencing in their holdings, and trees are being planted. New dams have been constructed or old ones repaired and enlarged, and greater pains are being taken to conserve water.

That there is a vast amount of work to be done, much more than has hitherto been attempled, goes without saying, but it is satisfactory to note that a beginning has been made, and the first milestone, so to speak, passed.

It is gratifying also to be able to report that the efforts which are being made to assist the farmer are apparently being appreciated by them, and that the Department appears to be getting into touch with them, for they are seeking advice and assistance in increasing numbers, and they heartily welcome such members of the staff as are able to visit them. In this connection it must be borne in mind that the Boers are very proud of the country, and though they may not be aware how best to set about it, and are not unnaturally chary of receiving advice from people new to the colony, whose capacity they have had no opportunity of proving, yet they are genuinely anxious to develop its agricultural resources, and as soon as they are convinced that we are working for the same end, and that the propositions we are putting forward are sound and helpful, we shall have no keener co-operators or supporters than the Boer farmers.

F. B. Smith,

Director of Agriculture.

12th May, 1904.

No. 12.

GOVERNOR VISCOUNT MILNER (ORANGE RIVER COLONY) to MR. LYTTELTON.

(Received June 18, 1904.)

SIR, Governor's Office, Johannesburg, May 23, 1904.

WITH reference to my Transvaal despatch of the 16th instant,* I have the honour to transmit to you a copy of an *ad interim* report on the progress of the Orange River Colony, which I have received from the Acting Lieutenant-Governor.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 12.

ACTING LIEUTENANT-GOVERNOR (Orange River Colony) to GOVERNOR.

Lieutenant-Governor's Office,
Bloemfontein, May 23, 1904.

MY LORD,

I HAVE the honour to forward to Your Excellency a brief interim report on the progress made in the various administrative departments of the Orange River Colony Government between the 30th of last June and the 30th of April, 1904.

As Your Excellency is aware, for over seven months of this period, Sir Hamilton Goold-Adams has been absent from the Colony. The failure of his health shortly after his return from vacation leave unfortunately compelled him, towards the end of November, to leave the Colony, and ultimately South Africa, on prolonged sick leave.

It consequently became necessary for me to resume, on the 1st December last, the duties of Acting Lieutenant-Governor, which I had previously discharged from April to August, 1903, during Sir Hamilton's previous absence, while Lord Basil Blackwood was again entrusted with the principal department of the administration as Acting Colonial Secretary. On Lord Basil Blackwood being granted six months' vacation leave in April last, he was relieved by Mr. J. A. Ashburnham, the Resident Magistrate of Bloemfontein, who has, as Your Excellency is aware, acquired considerable administrative experience as one of the Assistant Commissioners in the Bechuanaland Protectorate.

During Mr. A. Browne's six months' absence on vacation leave, from which he has only lately returned, the executive duties of Acting Colonial Treasurer devolved on Mr. Bernard Senior, the Auditor-General, while Mr. Barclay Lloyd similarly acted as substitute for the Attorney-General during that portion of Mr. Blaine's leave which fell within the period under review.

I have not thought it necessary to include in the present report several subjects of importance, such as the reorganisation of the Agricultural Department, the appointment of a second Puisne Judge, the enlargement of the Legislative Council, and the measures of relief necessitated by the Bloemfontein flood, all of which have been fully dealt with by me in previous despatches to Your Excellency. The present despatch is not intended in any way to take the place of the annual reports from the Departments, which will be duly prepared as soon as possible after the conclusion of the financial year. I propose to supplement it shortly by a descriptive account of two journeys of considerable length which I have taken in the outlying districts of the Colony.

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* No. 11.

Finances.

The finances of the Colony are still in a satisfactory position. The revenue for the current financial year, which was originally estimated at £563,300, is now expected to reach £840,000, of which not less than £400,000 is in respect of Customs duties. On the other hand, the ordinary expenditure, which was originally estimated at £558,000, will probably be about £650,000, to which must be added the Colony's contribution to the Inter-Colonial Budget of £120,000, already paid. The surplus in respect of the year will thus be about £70,000, which it is proposed to utilise for the purpose of making advances to the smaller Municipalities under the terms of the Local Loans Ordinance passed last session. This further expenditure will be submitted to the Legislative Council next month, in an Additional Appropriation Ordinance.

A sum of £80,000 has been advanced to the Bloemfontein Town Council during the year out of Treasury balances, pending the flotation of a loan, which has now been raised; and it is proposed to allow £50,000 of this sum to remain as a loan for one or more years in aid of the work of expropriating the land adjacent to, and straightening the course of, the Bloemfontein spruit. A further loan of £50,000 from the Funds Department of the Treasury has been promised to the Town Council for the same object. Both these advances will bear interest at 5 per cent., and will be secured by a special rate on the town of not more than 2d. in the £ of rateable property.

Customs.

In the last annual report from the Collector of Customs, after having referred to the phenomenal increase in the value of imports and the Customs revenue derived therefrom during that year as compared with the previous year, he foreshadowed what practically amounted to a commercial and financial crisis, giving as his reason for holding that view the enormous stocks which were on hand all over the Colony, and which would probably be locked up for want of purchasers, because of the withdrawal of a large proportion of the troops, the diminishing purchasing power of the farmers occasioned by drought, locusts, and failure of crops, and the necessity for utilising all available capital in the rebuilding and restocking of farms, in consequence of which he feared that many merchants would experience a difficulty in meeting their liabilities.

The Collector of Customs consequently estimated that the revenue derived from Customs would fall to about £220,000, including excise and import duty on brandy, as compared with £364,000 of the year then under review. But though these prognostications have to a certain extent been verified in almost every other Colony in South Africa, they have, to my surprise and gratification, proved absolutely incorrect as far as this Colony is concerned. Not only has it maintained its position, but it has established another record in the value of imports and Customs revenue, and there has been a substantial increase in exports.

The value of imports for the period between the 30th June, 1903, and the 31st March, 1904, amounted to £2,781,924, and the Customs receipts to £280,812, as against £1,633,691 and £234,349 respectively for the same period of the previous year, notwithstanding that the figures for that year had already exceeded those of the best pre-war year by more than a hundred per cent. During February and March, however, the South African Garrison Institutes paid duty on their open stocks, which is a new feature to be taken into account in the comparison. The value of exports for the same period of the current year amounted to £960,903, including diamonds, as against £192,637 for the previous year.

Though fully realising the recuperative powers of this Colony, I must confess that I am unable to account for this continued commercial activity here, while from all the other Colonies come complaints of commercial stagnation, distress, and lack of employment.

I venture to say that when the labour difficulties in the Transvaal have been overcome, and there is an improvement in trade here in sympathy with what we have every reason to expect will happen there, and we have had one or two good seasons, this Colony will reach, for it, an unprecedented condition of agricultural and commercial prosperity.

In anticipation of the great falling off in trade and proportionately in the business of this Department, the Customs staff was kept at the same strength as in 1901 and 1902, until about three months ago, when temporary assistance was given to the Collector to enable him to cope with the still increasing work.

The only other matter of interest in connexion with Customs during the period under review was the conference of Customs officials, recently held at Cape Town, where an arrangement with the Military Authorities as to the amount of the capitation grant to the troops was arrived at, and the establishment of a Statistical Trades Bureau for the whole of the Customs Union was recommended.

Audit.

The work of this Department may now be broadly divided under two heads, viz.:—

The examination of:—

(1) The ordinary revenue and expenditure accounts of this Colony, comprising those of the Treasury and all Sub-Accountants, the accounts of the Savings Bank, Funds Department, Post Office, &c.

(2) Loan accounts administered under the authority of the Inter-Colonial Council.

The latter will form the subject of a separate annual report, for submission to the Inter-Colonial Council.

The accounts which come within the second category are those of the (1) Land Settlement Department; (2) Government Relief Department, formerly Repatriation Department; (3) Relief Works Camps Department; (4) British Refugee Aid Department; and (5) the Public Works Department (Expenditure from Loan Funds).

The audit of the Government Relief Department accounts is in the hands of a special auditor and a staff of inspectors working under the Auditor-General, though paid from the funds of the Department. The work is extremely heavy, and many important points which have arisen from the audit will be referred to in the report, which will be presented upon the final closing down of the Department.

The accounts of the other loan expending Departments are somewhat complicated, and are necessarily the subject of many queries and observations. The entire time of an inspector is occupied in visiting and making a local inspection of the accounts of each camp of the Relief Works Department.

The examination of the loan accounts as a whole may be said to be satisfactorily advanced, and since the introduction of local examination a marked improvement has been manifest.

The examination of the ordinary revenue and expenditure accounts of the Treasury is somewhat in arrear, owing to changes in the distribution of work amongst the staff, but it is hoped that it will soon be overtaken.

The accounts of the Funds Department of the Treasury and of the Master of the High Court have been inspected by an Examiner of the Department during the financial year. In both cases the resulting report drew attention to matters of importance, which have subsequently given rise to considerable correspondence.

The accounts of the Resident Magistrates or Assistant Resident Magistrates in twenty districts of the Colony have been locally inspected by an Examiner during the financial year. Though his reports indicate to some extent a lack of efficiency in the accounting work of the districts, no shortcomings of a serious nature have been revealed. The remaining six districts will be similarly visited before the end of the year.

The Auditor-General has himself recently inspected the districts of Thaba 'Nchu, Ladybrand, Ficksburg, Senekal, and Winburg, and it is desirable that these visits should be extended to other districts as occasion offers.

The store accounts of the Stationery Department and the Prisons Department have been subjected to careful examination. The report on the former Department was not of an entirely satisfactory character, and as the result of a Commission which went into the matter, I have decided, on the advice of the Executive Council, to make some changes in its organisation.

The accounts of the Education Department have been regularly examined, and no questions of importance have arisen therefrom.

The examination of the accounts of the Public Works Department has, unfortunately, fallen somewhat into arrear, owing to the death of the officer in whose hands the work lay. It is hoped that the vacancy in the staff of the Department caused by this event will shortly be suitably filled, and the work overtaken.

Full reports have recently been submitted to me upon the financial organisation and working of the National Hospital and the Lunatic Asylum. My attention was drawn to several defects by these reports, and changes in the direction of closer supervision and control over the finances of the two institutions were recommended. As, however, these matters are still under consideration, I will make no further comment upon them.

A great deal of the Auditor-General's time since the commencement of the financial year has been occupied in dealing with questions which have arisen from the accounts of the Burgher Camps Department and the Native Refugee Camps Department, which were audited under his direction on behalf of the War Office, in co-operation with Major Leggett, who acted on their behalf.

Public Works.

Provision was made on the estimates for as large a staff as the size of the Public Works building would accommodate. The number of architectural draughtsmen was increased to eight, and eight clerks of works were appointed to inspect and supervise the various works going on, and on the 1st August, as it was decided that payments for works should be made by the Department, an Accountant was appointed, who, in three months' time, owing to the very large number of accounts and other business to be transacted, was given an Assistant Accountant. The Inspector of Diamond Drills was provided with an assistant, and additional drill foremen were appointed as fast as the drills could be sent out to the farms. The Chief Engineer of Roads and Bridges and Architect were not added to the staff during this period.

The administrative work was of considerable volume, the number of letters received being 5,700, and despatched 5,575. In addition, the two clerks, who dealt with this correspondence, had to prepare all contracts entered into, and to perform various other smaller duties which come under ordinary office routine.

In the Accountant's branch, the monthly payments have averaged £20,000, and the monthly total of vouchers has slightly exceeded 330.

As the requirements for buildings were very large, it was apparent that to meet the pressing needs at all adequately, the funds available from the revenue would have to be supplemented, and therefore a loan of £500,000, as Your Excellency is aware, was obtained from Inter-Colonial Loan Funds. This has been extensively utilised, charges on it to the amount of £283,820 having already been sanctioned, in addition to the expenditure of the sum of £72,655 (£24,655 recurrent and £48,000 extraordinary) provided from the Colony's revenue.

As was the case last year, it is found that this sum from revenue has not been enough to meet the charges, and a considerable sum will be immediately asked for as a supplementary estimate for the remainder of this financial year.

The planning and construction of public buildings has proceeded steadily and satisfactorily. Ten courts and public offices, thirteen post offices, two large permanent schools, and fifty temporary and portable schools, five police stations, twenty prison buildings with yards (including quarters for warders, &c.), six houses for Resident Magistrates, and two other buildings have been completed or well advanced. A considerable number of temporary structures for various purposes have been erected in Bloemfontein and at a few other points. Several large buildings planned by architects, over the construction of which the Department took control, have also been finished.

A large number of important additions have been made to existing buildings, and very extensive repairs have been carried out, including the complete restoration of nine buildings, while a large number of houses have been purchased for officials, the repair and renovation of which, being added to the capital cost of the buildings, was not included in the sum for repairs out of the revenue.

It may be said that the pressure of works under this head has now been considerably relieved. Indeed, with the completion of the buildings at present under construction, the requirements, in the shape of courts, Resident Magistrate's offices, and post offices, will be very nearly met. And the work of providing houses for officials is drawing to a close. There are, however, still a large number of new buildings and additions required, especially for schools, prisons and police stations, for which the available funds for next year will not be sufficient to provide.

The extension of the main Government Offices at Bloemfontein, the cost of

which is to come out of loan funds, has now been commenced. These have been designed, and are under the supervision of Messrs. H. Baker and Masey, architects, of Cape Town, the Public Works Department exercising merely a general control. I propose to address a separate despatch to Your Excellency on the subject of these buildings, which are much needed, and will be a great ornament to the town.

There are seven Inspectors of Main Roads for the whole Colony. These men have done their best, with the limited funds at their disposal, to keep the roads in passable condition, and to make lasting improvements at a few important places. The work was, on the whole, undoubtedly successful, and as the men gain more experience, will show better results.

The funds (£10,000) provided for the main roads of the whole Colony proved quite inadequate. The expenditure was, in fact, merely tentative, in view of the limited sum available for works, and the small number of roads which were considered to be main roads. The sum allotted has already been more than exhausted.

The up-keep and improvement of the roads is a very serious question. If all important thoroughfares are to be kept in proper condition, even for the nine months of the year excluding the rainy period, very considerable funds will have to be provided. No attempt, for example, has been made to effect any of the vast number of deviations which are desirable, and in many cases necessary. Action of this kind would be evidently premature until the projected Roads and Bridges Ordinance, to be introduced in the next session of the Legislative Council, has become law.

Several bridges have been repaired during the year, but no new bridges erected or commenced. A survey has, however, recently been made and a site selected for a bridge over the Valsch River at Kroonstad, the cost of which will be partly borne by the Municipality and partly by loan funds. It is hoped that the erection of this bridge will be started at an early date, and also that other bridges may be taken in hand at Harrismith and elsewhere, for which there is provision in the loan fund. The wagon bridge in the neighbourhood of Colesberg will be repaired in conjunction with the Government of Cape Colony.

Much useful work has been done by diamond drills during this period, and some very valuable supplies of water tapped, but their working and usefulness has been seriously retarded by adverse circumstances.

Twenty drills, which should have begun to arrive from England about the end of June, did not reach here until December, and in the meanwhile, old material was collected from various localities in the Colony, put together, and made up with new material bought in Cape Town, in order to meet the pressing demand for these very popular machines.

There are now 24 drills at work, but these will have to be largely supplemented next year, and I propose to purchase some American steam jumper drills, which have proved very useful in the hands of the Land Settlement Department.

Education.

On the 30th June, 1903, there were 9,031 children attending Government schools. On the 31st March last, the total number in attendance was 12,187, which shows an increase of over 3,000 for the nine months. The record number in attendance at Government schools under the late Orange Free State was 8,187.

In June last practically all the town schools had been started, but only 11 Ward and 14 farm schools had been opened. The policy of the Department since that date has been to push forward the opening of country schools of the Ward school type, at which there should be a minimum attendance of 25 pupils. Numerous applications have been received, and the energies of the somewhat limited staff of the Department have been severely taxed in the attempt to deal with them. Gratifying progress, however, has been made, and at the end of March there were 87 Ward schools. At the present moment, 23rd May, the number actually open has reached 94.

There has been no increase in the number of farm schools established, as the Department felt that attention should first be devoted to the larger type of school, and provision afterwards made for the residuum of children unprovided for on the more isolated farms.

The number of children attending Ward schools on the 30th June last was 480. The number at the end of March was 2,848.

Many applications for country schools have still to be dealt with. While they cannot all be entertained, the finances of the Colony will permit of the establishment of a reasonable number of such schools at suitable points in every district, and I am directing provision to be made in the estimates accordingly.

A considerable amount of work has been done in the way of providing buildings, both for towns and for country districts. A new school has been erected at Bethulie and another is in course of erection at Ladybrand. Additions are soon to be provided at Winburg, Senekal, Dewetsdorp, Petrusberg, and other places. Most of the existing town schools have been repaired.

Forty portable buildings of a suitable type have been procured from England and Australia. Some of them have been used as a temporary means of supplementing the defective accommodation of towns, and the rest have been erected at the more populous centres in the country. In addition to these, wood and iron shelters have also been provided in a considerable number of cases.

Since the beginning of the present financial year, 40 trained teachers from Great Britain and one (for the Girls' High School) from Holland have arrived to take up work in the Colony. The Normal School, Bloemfontein, has provided an additional 40 or so, but notwithstanding the number of teachers thus obtained, great difficulty has been experienced in supplying the demand created by the new schools that have been established. Early in the year the Department advertised in the papers of this Colony inviting applications from teachers who served under the late Government, and who were then out of employment, and it has also advertised in the Cape Colony for candidates who possess a knowledge of the Dutch language. The additional 50 per cent. of pupils which this Government has to provide for involves the employment of a much larger number of teachers than the late Government required, and there is not an adequate supply of properly qualified candidates in the country. It will undoubtedly be necessary to import teachers from oversea for some time to come, if an efficient system of education is to be provided throughout the Colony, but it is to be hoped that the Government Normal School will enable the Department to diminish the number by degrees.

In December last a conference of all the principals of town schools was held at Bloemfontein, under the presidency of Mr. E. B. Sargant, now Education Adviser to Your Excellency. At this conference the Code of Regulations for Government schools which had just been published after receiving the sanction of Government was placed in the hands of the principals, and the aims and general policy of the Department were fully explained. The free and unfettered discussions which took place regarding these matters were very interesting, and showed that the system met with the cordial approval of the principals. I am confident that, in addition to the advantages which accrued from bringing together in social intercourse the teachers of various nationalities, the meetings have had a practical and stimulating effect upon the work of education in the Colony.

The publication of the code and of other regulations has gone far towards introducing uniformity and method in the school curriculum. While it is not advisable to impose too rigid a system of rules and regulations upon the schools, especially in the exceptional circumstances that have prevailed after the war, the Department has realised for some time that steps must gradually be taken to bring more definite organisation and system into the work. Hitherto its efforts have been almost entirely directed to providing well-staffed schools for the towns, and in making some provision for the country districts, but it hopes soon to devote more attention to a detailed enquiry into, and inspection of the work of, the schools already established.

In August I exercised my powers under Section 9 of the Public Education Ordinance, 1903, and appointed Local Education Committees in the various districts throughout the Colony. These Committees have almost all held meetings, and have, as a rule, undertaken their duties in an enthusiastic manner. They have rendered valuable assistance and advice, and the Department has endeavoured to carry out, as far as possible, their recommendations. It is gratifying to be able to state that the feelings which exist between the Government and these Committees have almost invariably been of a cordial nature, and any complaints made have been due more to the difficulties which have had to be contended with, owing to the war, than to dissatisfaction with policy or administration. In every case the Dutch Reformed ministers were offered seats on the Committees, but only one or two have accepted nomination.

In the Refugee Camps, education and school books and material were supplied free. For some time after the declaration of peace the policy as to fee-paying and free schools was not definitely fixed, owing to the peculiar circumstances of the country. The payment of fees was not insisted upon, but in many schools parents were invited to pay them. The Department found that the amount of money contributed in this way was very small, and from time to time expressions of gratitude for providing free education were received from parents, with requests that this arrangement should be made permanent. As a consequence, in January last I exercised my authority under the Education Ordinance, and abolished fees in all schools throughout the Colony with the exception of a few of the larger towns, where fee-paying schools, in addition to free schools, exist. The Department has had ample proof that this policy is much appreciated by the people.

The Grey College, Girls' High School and Normal School are all in a flourishing condition. There is a large number of applications for the next course at the Normal School.

Classes in cookery, lace-making and laundry work have been held under the direction of my sister, Miss A. M. Wilson, at various towns throughout the Colony, and they have evoked a considerable amount of interest. Five of the Normal School students are being trained at Bloemfontein to carry on this branch of work.

A considerable number of evening schools have been established, and they have, as a rule, been attended with a gratifying measure of success.

Owing to the dissatisfaction of the Dutch Reformed Church with the Government's policy, opposition schools have been opened at Boshof, Brandfort, Ladybrand and Kroonstad, and it is understood that a considerable number of others are also to be established. Some of these schools have not yet been registered as provided for in the Education Ordinance, so that it is impossible to give statistics as to the actual numbers attending them. They have not, however, materially affected the attendance at Government schools up to this date.

A schedule (Enclosure 1) showing the numbers of pupils, schools, and teachers is attached.

Law Department.

I am informed by the Attorney-General that thirty-five Ordinances have been drafted for the Legislative Council during the period under review, and in many cases the regulations framed under the Ordinances have also been settled in this office.

The Counsel for the Crown has appeared in six cases in which appeals have been made to the High Court against the decisions of Resident Magistrates, and in three cases which have been argued on review.

Two Criminal Sessions of the High Court and two Circuit Courts have been held, and three hundred and four preparatory examinations have been received, of which one hundred and twenty-six were indicted for trial by Superior Courts, ninety-eight remitted for trial to the Resident Magistrates, and in eighty-one prisoners were discharged.

Three hundred and thirteen inquests, held under the Inquests Proclamation, 1901, have been received and dealt with.

Thirty-two circulars, dealing chiefly with the criminal work of the Courts of Resident Magistrates and Special Justices of the Peace were issued.

The Ordinances passed in 1902 were issued in book form, with index, and will shortly be followed by the Ordinances of 1903.

Two more Special Justices of the Peace have been appointed, making a total of nineteen Special Justices of the Peace, whose offices are inspected twice in the year by the Resident Magistrates, and reported upon to the Attorney-General. There have also been appointed and their commissions made out and forwarded, one hundred and sixty more Justices of the Peace.

One hundred and ten applications for Letters Patent have been deposited during this period, as against one hundred and sixty-three during the year ending June 30th, 1903.

The number of letters and minutes received and dealt with were, from the Colonial Secretary, 1,038; from other sources, 3,017, making a total of 4,055. This does not include correspondence in connection with criminal cases or with Letters Patent, for which separate registers are kept.

Agricultural Department.

The Agricultural Department has only existed in its present form since the beginning of the current year, but a considerable amount of useful preliminary work was got through during the latter part of 1903.

A Stud and Veterinary Branch was started in August last, under Lieutenant-Colonel Flintoff as Principal Veterinary Officer and Controller of Stud, and a large number of thoroughbred stallions were imported, with a view to improving the breed of horses in the Colony.

Useful work was also done in regard to forestry, the Government Forests at Wilgebook Nek and Holfontein showing satisfactory progress under the temporary supervision of Mr. Scott, the Government Horticulturist.

In September last an Agricultural Advisory Board was appointed, consisting both of officials and prominent local agriculturists to act as assessors to Mr. Smith, the Agricultural Adviser, who was temporarily appointed Acting Director of Agriculture.

The attention of the Board was principally given to the necessity of providing against the possible invasion of African coast fever and other dangerous stock diseases, and on their recommendation a Proclamation was issued for the protection of the Colony, which has so far proved effective.

In January of the present year, Mr. W. J. Palmer arrived from Canada to take up the duties of Director of Agriculture, and since then satisfactory progress has taken place in all the branches of agriculture. Considerable departmental changes were made, and several new officials appointed, amongst others a Conservator of Forests, who is at present engaged in organising Government forests at various centres in the Colony, in accordance with the recommendations of a report by Mr. Lister, one of the Conservators under the Cape Government, prepared by my directions.

Work has been started on the experimental farm at Grootvlei, near Bloemfontein, and it seems probable that the experiments now being carried out there will prove both interesting and valuable to the farming population. A second farm is also being prepared for the same purpose, but has not yet been taken over by the Department.

Simultaneous dipping of sheep is now taking place under the provision of the Ordinance providing for the eradication of scab, and from reports received from the districts, farmers appear to be co-operating heartily with the Government in this important matter.

Farmers' Associations have now been started all over the Colony, and the Director is at present engaged in making a series of tours for the purpose of attending meetings and coming into personal touch with the outlying districts. Arrangements are also being made for the officials of the Department to attend association meetings and give addresses on their various branches of agricultural work. Notes on agricultural matters are contributed weekly to the local papers, and appear to be much appreciated and pamphlets are issued from time to time on matters of immediate interest in anticipation of the Agricultural Journal, which will make its first appearance during the coming year.

Re-organisation and development is still going on, and by the beginning of July the Department will be fully equipped for its important work.

Mines.

During the period from 1st July, 1903, to 30th April, 1904, the following mines have been working, viz.:—The New Jagersfontein Diamond Mining Company, Koffyfontein Mines, Limited (Diamond), Lace Diamond Mines, Limited, Monastery Diamond Mines, Limited, New Driekopjes Diamond Mines, Limited, Transvaal and Orange Free State Diamond Mines, Limited, Cornelia Coal Mines, Witkop Colliery, Groenfontein Coal Mines, and the Vierfontein Coal Mines—in all six diamond mines and four coal mines.

Of the coal mines only one is producing any quantity of coal, viz., the Cornelia Mine. The others are doing very little pending railway construction.

Of the diamond mines, only Jagersfontein, Koffyfontein, Lace and Orange Free State and Transvaal Mines have done any material work.

The tabulated statement attached (Enclosure 2) to this report shows very clearly the increase in the output, and its value.

Your Excellency will notice that the value of the total output has practically doubled since June last, and that last month was a record for both coal and diamonds.

Considering the excellent coal fields existing in the Colony, the monthly output of 10,000 tons is very disappointing, but I am glad to say that extensive plant is being put up by one or two new companies, and when they get to the producing stage, in about twelve months, it is anticipated that the output will be quadrupled. The opening of the proposed railways will still further increase it.

Prospecting for gold-bearing reefs is being energetically carried on in the north of the Colony, and on the whole with encouraging results. The chief new development is the striking of the rand formation by a drill at 1,200 feet, near Villiers. The result of the drilling near Roodewal siding has been unimportant.

There has been considerable enquiry for coal of a quality fit for making coke, with the object, should it be found, of starting iron smelting in the Colony. Unfortunately this class of coal is not known to exist in any quantity in South Africa. Ordinary coal has now, however, been proved to exist in payable deposits over many hundreds of square miles in the Orange River Colony.

Prospectors are turning more serious attention to the very evident indications that exist of the presence of oil in different parts of the Colony.

Several farms have recently been taken "on option" with the object of forming a company to thoroughly prospect for petroleum in a scientific manner. Up to the present any prospecting that has been done shows a regrettable ignorance of the conditions under which oil is found.

Prospecting for diamonds is being carried on practically all over the Colony. Several syndicates have been formed with capital ranging from £5,000 to £25,000, with the object of proving various localities where indications of pipes exist, but as yet not sufficient work has been done to form a definite opinion as to their value, although on the whole they are not particularly encouraging.

The reported find of rubies, sapphires and emeralds near Ficksburg has proved to be a mistake. The supposed stones were merely water-worn glass.

Tin has been reported as being found in the Caledon River, in such quantities as to suggest that a considerable lode exists in the neighbourhood.

In addition to the above-mentioned minerals indications have been found of the existence of silver, copper, lead, mineral wax, sulphur, and saltpetre, some of which, if developed, may prove payable.

On the whole it may be said that the prospect of future development of the mining industry is extremely bright.

Surveys.

There are now 28 admitted surveyors working in the Colony (ten being admitted during the period under review), viz., three times the number under the late Government.

During the same period 708 diagrams of farms and 1,087 diagrams of erven have been examined and passed. This work is still increasing, and is now nearly three times what it was before the war. Sixty-two new title deeds have been issued.

A beginning has been made in adjusting the very erroneous surveys of all the towns and villages, and obtaining proper records to file in this office of the number and shape of the erven therein. These records were neglected under the late Government, and those that exist are practically useless.

As the Corporation of Bloemfontein required an accurate survey for the proposed sewage scheme, the Department undertook to carry out the work in connection with a detail one for record purposes. The Council and Government were to bear the cost jointly, thereby saving a considerable part of the expenditure to the Department. This survey is now nearly completed and is an extremely satisfactory piece of work.

A Conference of Surveyors-General of South Africa sat in Capetown in February last to discuss with a representative of the War Office a scheme for carrying out a complete and satisfactory topographical survey of South Africa on a scale suitable for departmental and military purposes. A scheme was drawn up which will be laid before the various Legislative Assemblies of South Africa for approval and for provision of the necessary supplies.

A magnetic survey has been carried out by Professor Beattie of the whole of South Africa including the Orange River Colony, but his report has not yet come to hand.

Since the 1st July seventy plans and tracings have been made for the public, and various departments. Three hundred and thirty-three certified copies of diagrams and sixty-seven certified copies of title deeds have been drawn and issued to the public. One thousand five hundred and forty-eight maps have been issued to Government Departments, and two thousand four hundred and seventy-five to the Military Authorities.

Department of Public Health.

The number of District Surgeons throughout the Colony has been increased to thirty-eight; the additional posts created are entirely assistant district surgeoncies, the salary being thirty pounds per annum. These additional appointments have been found necessary for the performance of medico-legal work, vaccination, and the convenience of the people generally. Of the District Surgeons 23 are British, three Colonial, four Dutch, two foreign (Holland and Germany).

At the request of the Postmaster-General a medical officer was appointed to the post office, Bloemfontein; this appointment is governed by regulations similar in principle to those of the London Medical Post Office Service.

In July of last year Dr. Percy Targett Adams was appointed as analyst and bacteriologist and has already accomplished much useful work in the chemical analysis of poisoning cases; the examination of "*corpora delicti*," analysis of waters, foods, soils, &c. As bacteriologist his services have also proved very valuable in connection with the diagnosis of plague from samples of blood, &c.

Dr. Adams' sphere of usefulness is at present only curtailed by the limited accommodation of his laboratory, but this will shortly be remedied by the erection of offices for the Department. A brief detailed report* from Dr. Adams with reference to his past work is annexed (Enclosure 3).

The following are the numbers of the medical practitioners, dentists, chemists and druggists now on the register:—

Medical practitioners, 138.
Dentists, 18.
Chemists and druggists, 37.

The applications for registration are still numerous and entail considerable correspondence. There are probably in the Colony at the present time, in view of the prevailing conditions, the full complement of medical practitioners, dentists and chemists and druggists.

So far, registration has been effected under Proclamation No. 10, of 1902, which in many cases has proved difficult of interpretation. During last year, however, the Medical Officer of Health drafted a Medical and Pharmacy Ordinance from the experience gained during the past three years in administering the medical laws of the Colony, in which an attempt has been made to avoid the known deficiencies of medical legislation in so far as appeared consistent with the protection of the public and the medical, dental, and pharmaceutical professions.

The draft was considered at the last meeting of the Legislative Council, and passed as the "Medical and Pharmacy Ordinance, 1904."

Provision is made under the Ordinance for the examination and registration of nurses and midwives; the registration of the latter is particularly important in this Colony because of the very frequent deaths from puerperal fever and diseases of child birth, due mainly to the dirty habits and ignorance of those acting as midwives.

In the new Ordinance a section has been inserted in pursuance of the resolution adopted at the Colonial Conference held in London in 1902 with reference to members of the medical profession of self-governing Colonies being admitted to practice in the Orange River Colony and Transvaal on condition of reciprocal treatment by the Colonies concerned. The section dealing with the admission of foreign practitioners is based on strictly reciprocal lines, which will, I think, prove of advantage to the Colony; at the present time practically every student leaving South Africa to qualify in medicine studies at Edinburgh, and if additional practitioners are required, England can more than supply our needs.

Of the medical practitioners registered in this Colony to date, 112 have qualified in Britain, two in British Colonies, and 19 in foreign countries. The qualifications of five medical practitioners admitted to practise by the late Government are not stated.

The election of members to the Medical and Pharmacy Council is now proceed-

* Not printed.

ing. Probably the first meeting of the Council will take place early in July, the Medical and Pharmacy Ordinance coming into operation at the same time.

During the past year smallpox has been particularly prevalent throughout the Colony, the approximate number of cases to date being 700. Smallpox outbreaks have occurred in the following districts:—Bethulie, Bethlehem, Bloemfontein, Edenburg, Fauresmith, Ficksburg, Frankfort, Heilbron, Ladybrand, Kroonstad, Lindley, Rouxville, Senekal, Thaba 'Nchu, Vredefort, Wepener, and Winburg. The most widespread outbreaks occurred in the Heilbron District (209 cases) and the Municipality of Bloemfontein (173 cases). The disease has been almost entirely limited to natives. In districts where extensive outbreaks have occurred, advantage has been taken to vaccinate as widely as possible, and in some districts therefore the population (native) is entirely protected against smallpox. Though the immediate cost of this procedure is considerable, it saves future expenditure on the isolation and treatment of smallpox patients. At the same time it should be borne in mind that the native population of the Colony is continually changing.

During the Bloemfontein outbreak it was found necessary to cordon for two months one of the native locations containing over 2,000 persons; this measure, though somewhat arbitrary, was essential in view of the large native population around Bloemfontein (probably 15,000-20,000 natives), and the free communication which takes place between native families. During this outbreak several Europeans living in close association with natives developed smallpox, but the disease was quickly stamped out.

The procedure in dealing with smallpox outbreaks under Law 31 of 1899, is very unsatisfactory, and will require amendment. During the year it has been found necessary to authorise the closure of schools in certain towns where diphtheria and scarlatina has broken out among the school children. Such outbreaks, however, have usually been quickly overcome by the precautionary measures taken by the District Surgeons.

On the 22nd March last a case of plague in the person of a native was discovered at Springfontein. Subsequently, on the death of the native, his hut and belongings were burned down, and precautions taken for thorough disinfection. The disease was contracted (19th March, 1904), during the post-mortem examination by the District Surgeon, Springfontein, on the body of an Indian from Braamfontein, Johannesburg, who died in the train; the cause of death of the Indian was returned as pneumonia by the District Surgeon, who had no suspicion of the pneumonia being due to plague until the 22nd March, when the newspaper reports of the outbreak in Johannesburg were published. The town of Springfontein was declared an infected area in accordance with the articles of the Venice Convention, but no further case has arisen.

In view of the Johannesburg outbreak a frontier disinfecting station was immediately instituted at Viljoen's Drift, where all native passengers are detrained and medically examined—the examination including inspection of the axillary and inguinal glands. A series of regulations were also gazetted with a view to the exclusion of Asiatics from the Colony, and the prevention of the spread of the disease within the Colony. The District Surgeons have been circularised with regard to sending samples of the blood, &c., of any patients with regard to whom they might be suspicious of plague to the Government Laboratory; Dr. Targett Adams has examined several specimens forwarded, with negative results.

At the present time there are 117 lepers in hospital (European 10, natives 107), of whom 99 are segregated on Robben Island, and 18 in Bloemfontein Leper Hospital. The lepers remaining in Bloemfontein will probably be removed to Robben Island on or about the 15th instant [?], when the building in course of erection for the reception of European lepers will be completed.

Cases of leprosy still continue somewhat numerous throughout the Colony, though the type of disease, I am informed, is mild as compared with the acute cases seen in Norwegian hospitals.

The medical treatment of the sick poor is carried out by the District Surgeons of the several districts. There are now thirty-six recipients of "outdoor" relief in the form of Government grants varying from £1 to £3 per month.

It appears not unlikely that with the closure of the Government Relief Department and Relief Camps, the sum expended in grants may require to be considerably increased, in which case it may be advisable to reconsider the system of poor and sick relief instituted by Chapter 94 of the Law Book.

Under the Vaccination Ordinance, 1903, vaccination is being carried out systematically of infants and of children of 12 years of age in the various towns and villages of the Colony. During the past month the several District Surgeons and Assistant District Surgeons and certain specially appointed vaccinators have been in attendance at certain fixed centres throughout the districts for the purpose of vaccinating infants and children whose parents are resident in the outlying parts of the districts. Lists of children of 12 years of age attending schools are obtained regularly from the several headmasters of schools and notices of the requirement of vaccination forwarded to the parents of the children.

The number of births and deaths registered in each month is rapidly increasing, and I trust to be in a position to give details in my next report with regard thereto. The increase is probably due in great measure to the more effective working of the Ordinance. Returns are now forwarded in a more satisfactory condition than formerly.

During the past financial year all medical accounts have been passed through, examined, and checked by this Department, with the exception of those of the Lunatic Asylum, Leper Asylum, and National Hospital. In future, all accounts payable from the Vote "Medical" will be dealt with by this Department.

The examination of accounts was undertaken because the returns submitted to this Department are the only means of checking the majority of them.

Since November of last year the Medical Officer of Health's time has been largely occupied with the preliminary arrangements respecting the Census which was taken on the 17th ultimo. A summary of the results of the Census forms an enclosure (enclosure 4) to this despatch.

Posts and Telegraphs.

The steady increase in the amount of business transacted by every branch of this service is in itself extremely satisfactory.

On the 30th June last there were 43 Money Order Offices in the Orange River Colony, and during the ten months now under review nine more have been added to the list, bringing up the total number of Money Order Offices to 52.

Post Office Savings Bank business is transacted at all Money Order Offices with the exception of Sydenham and Trompsburg.

When the last report was furnished there were 82 Post Office Agencies and three Sub-Post Offices open, inclusive of ten Native Agencies at the larger centres of population. Since the 1st July last 56 Agencies were opened, bringing the number up to 138; but of these nine have since been closed, and eight raised to Sub-Post Offices authorised to deal with all classes of mail matter, including registered articles. There are, therefore, at present in this Colony 52 Money Order Offices, 11 Sub-Post Offices, and 121 Post Office Agencies.

A parcel post exchange was established on the 1st July last with North-Eastern and North-Western Rhodesia. The rate of postage on parcels from the countries of the South African Postal Union—including the Orange River Colony—is 1s. 6d. per pound, which, considering the length of the route over which the parcels have to be conveyed, appears to be reasonable.

The delivery fee, which, in addition to the Customs Duty, &c., has been for many years levied on oversea parcels, was abolished on the 1st July last.

Orange River Colony Postal Orders were placed on sale for the first time on the 22nd August, 1903, the business since that date having steadily increased, as will be seen from the following comparison between the business done during the first complete month (September) that Postal Orders were on sale, and that for the month of March last:—

—	September, 1903.	March, 1904.
No. of orders issued	1,189	3,183
Value	£213 12*s.* 0*d.*	£1,551 15*s.* 0*d.*
Accrued commission	£5 15*s.* 3*d.*	£24 10*s.* 6*d.*

A postal order exchange with Southern Rhodesia was inaugurated on the 1st October last.

The new Postal Law, Ordinance No. 50, of 1903, came into operation on the 1st February last. The detailed regulations under the provisions of this Ordinance drawn up in conformity with the Articles of existing Conventions and Agreements are now receiving my consideration.

As provision is made in this Ordinance for the payment of limited compensation for loss of or damage to registered letters or other postal packets, the Department will accept limited responsibility in case of loss of or damage to registered articles as soon as the limit of compensation and the conditions governing the payment of same, fixed by the regulations referred to in the last preceding paragraph, have been approved. The Postmaster-General will then communicate with the Postmaster-General of the other Colonies where the system is already in operation, with a view to the extension of its provisions beyond the borders of this Colony.

The travelling post office vans (the joint property of the Governments of the Transvaal and Orange River Colony) which, from the 21st September, 1902, to the 31st August, 1903, ran between the Orange River and Johannesburg, have, since the 1st of September last, been running between the latter place and Naauwpoort, and continue to give satisfaction. One of these vans is attached to the "Up" and the "Down" daily passenger train. In addition to these vans, officers of this Department have regularly once a week since the 21st of July last, proceeded in a special van as far as De Aar to receive the English mail.

The statistics* of the Post Office Savings Bank, contained in enclosure 5, may be taken as a satisfactory indication that this Colony has to a large extent escaped the general depression prevailing in other parts of South Africa.

I regret that the completion of the new portion of the General Post Office building has been delayed by circumstances which could not have been foreseen at the time of my last report to Your Excellency. It is, however, hoped that the Department will get full possession of the new building in the course of a few months.

New post and telegraph offices have been erected at the following places:— Edenburg, Hoopstad, Kroonstad Station, Ventersburg Road, Vredefort Road and Wolvehoek. At several other places offices have been placed in a state of thorough repair, leaving nothing to be desired.

As the present contracts for the conveyance of mails throughout the Colony terminate on the 30th June next, new tenders have been invited for this service over the whole of the main routes for periods of three and five years respectively. It is anticipated that by extending the period of the contracts in this way a considerable saving in the annual cost will be effected.

On the 30th June last there were open for all classes of telegraph traffic 44 offices belonging to this Department, and since that date eight more have been added to the list.

In addition there are at the present moment 33 telegraph offices in this Colony belonging to the Central South African Railways, authorised to deal with all classes of inland traffic.

Since the taking over by this Department on the 1st November last of the maintenance of the cross country telegraph lines in the Colony, three new lines have been erected by the engineering staff. Five former telephone lines have been converted into telegraph circuits, and three new telephone lines have also been erected.

The preliminary arrangements in connection with the work for the establishment of the proposed telegraph service for the City of Bloemfontein, as soon as possible after the completion of the new portion of the General Post Office building, are proceeding as speedily as may be.

Enclosure 6 contains a comparative statement* showing the number of money order offices open on the 1st July, 1903, and on the 31st March, 1904, respectively, and the business transactions under the various heads during the first nine months of the last financial year, as well as the nine months, 1st July, 1903, to 31st March, 1904.

The actual amount of revenue received by this Department is £53,535 18s. 9d., but to that amount may be added a sum of from £6,000 to £7,000, which is the estimated amount of transit rates at present available as revenue. It is thought that the estimated amount of revenue for the year (£80,000) will be realised.

The amount voted for the year's expenditure (£117,293) will not meet requirements, and an additional amount of £7,259 has been asked for in the supplementary estimates. It will be seen that £84,647 5s. 1d. has already been expended.

* Not printed.

Deeds Registry.

The accompanying statements will show the work done in this office for the ten months from 1st July, 1903, to 30th April, 1904. Statement A (Enclosure 7)* gives the number of deeds registered during that period, and compared with the last annual report (1st July, 1902, to 30th June, 1903) shows an increase of 3,838 deeds registered.

Statement B (Enclosure 8)* gives the value of fixed property transferred and the bonds registered and cancelled during the ten months. Compared with the last yearly report there is an increase in (a) value of fixed property transferred, of £856,110, in (b) amount of bonds registered, of £622,862, and in (c) amount of bonds cancelled, of £294,780.

On the 22nd December, 1903, the bond of £1,800,000 passed by the late Orange Free State Government to the Cape Colonial Government on 20th October, 1898, in connection with the railway debt was cancelled. This amount is not included in the amount of bonds cancelled as mentioned in Statement B, paragraph (c).

Master of the High Court.

As was naturally expected fewer new estates of deceased persons were registered during the said ten months as compared with the previous year, the numbers respectively being 905 and 2,013, but the number is large compared with what was received during the last year or two of the former régime. In 1898, which seems to have been a year above the average, the number was 722.

During the 10 months, however, the Department has been still occupied with the settling of the thousands of new estates registered during the years, 1st June, 1901, to 30th June, 1903.

Nine hundred and thirty-five executors and guardians were appointed, as compared to 1,602 in 1902-3, and 590 in 1898.

One thousand two hundred and ninety-four liquidation accounts have been examined, showing assets amounting to £2,104,729 9s. 5d., and £1,250,030 6s. 5d. inheritances distributed, as compared with 695 liquidation accounts in 1902-3, with assets £1,411,214 16s. 4d. and inheritances £799,938 10s. 5d., and in 1898, 538, with assets £766,024 0s. 7d. and inheritances £435,457 17s. 1d.

One hundred and thirty-two bonds were accepted for minor portions representing an amount of £64,091 16s. 5d., as compared to 75, representing £62,736 13s. 1d. in 1902-3, and 47 representing £18,085 19s. 10d. in 1898; whilst 63 bonds representing £31,181 7s. 5d. were cancelled, as compared to 52 representing £27,234 10s. 6d. in 1902-3, and 54 representing £19,607 11s. 5d. in 1898.

Minors' portions to the amount of £53,777 10s. 10d. were paid in as compared with £64,622 10s. 8d. in 1902-3 and £29,560 12s. 0d. in 1898.

Inheritances paid out amounted to £36,539 17s. 5d. as compared with £42,832 17s. 0d. in 1902-3 and £19,656 11s. 5d. in 1898.

The total amount of inheritances administered by the Department now stands at £277,279 3s. 9d. comprising upwards of 3,000 different ledger accounts, showing capital as well as interest, many of which are of a somewhat complicated character.

Insolvent estates are increasing. During the ten months 33 were registered as compared with three in 1902-3 and 24 in 1898.

In addition to the work above mentioned, a great deal of business, strictly belonging to executors, such as settling South African Constabulary and other small estates has also been transacted.

Native Affairs.

During the period between the 30th June, 1903, and 30th April, 1904, upwards of 1,000 native families, who had for various reasons collected during the war in the locations at Thaba 'Nchu and elsewhere, have been distributed to farmers in different districts in the Colony, and it is reported to me that with very few exceptions the natives are well satisfied with their new quarters. Besides the above, others have left on their own account and returned to their old masters.

I am glad to be able to report a growing disposition on the part of the natives to work on farms, which is due to the good treatment they on the whole receive from the farmers. Taken as a class I consider that the farmers show great consideration to their native tenants and labourers. In the many small districts the natives have asked the Commissioners to enquire into, the farmer has in every instance been

* Not printed.

found willing to consider the questions when put before him on behalf of the native, and by this means it has been possible to settle many disputes to the satisfaction of both the parties. Several of the native farmers in the Thaba 'Nchu district are improving their farms, some of which would do credit to a progressive white farmer.

The fencing of the Thaba 'Nchu locations has commenced, and when completed will be of great assistance to the natives.

The mealie and kaffir corn crop is, speaking generally, very good. The disease which has done so much damage to the kaffir corn crop in Zululand and Natal has fortunately not yet appeared.

During the ten months under review, the number of unemployed "boys" in towns has considerably decreased.

With increased experience the military authorities are treating their natives on much more satisfactory and consistent lines. The system of employing qualified men to manage them has, I am informed, been successful, and they are also not allowing loafers round their camps and cantonments.

The natives at the large diamond mines in the Colony are treated very well in every respect.

Some small syndicates, and certain contractors employed in railway work have treated their boys badly by defrauding them of their wages, but every precaution is being taken by the Department to stop these malpractices, and in the most important case (that of the contractor on the Bethlehem-Harrismith Railway) the Central South African Railway Authorities have paid the natives the wages due to them.

Prisons.

Since July of last year a good deal of work in the way of extensions to prisons and quarters for officials has been carried out, but owing to the insufficiency of accommodation at many of the prisons a large amount of work has still to be done. New prisons are in course of construction at Kroonstad, Parys, and another is contemplated at Harrismith, and extensive additions to the prisons at Edenburg and Bethlehem have recently been completed.

There has been a steady increase of both European and native prisoners throughout the Colony, owing partly to the better enforcement of the laws and partly to the large addition to the population, and great difficulty has been experienced in providing sufficient accommodation for all. I am, however, thankful to state that the health of the prisoners has been well maintained, only four deaths having taken place among the prisoners during the year.

The discipline has been very satisfactory, the very few cases of escapes that have occurred having been due to defects in prison buildings. Several changes have of necessity taken place among the prison officers, but the difficulty of getting steady men is gradually diminishing.

Cooking is being done at all the larger prisons in place of the former system of catering by contract, with very satisfactory results, the cost per ration being considerably reduced, and there have been practically no complaints as to the quality of the food supplied.

The reduction which was made early in the year in the rates charged for prison labour hired by private individuals has had favourable results in some of the districts only, but a great deal of good work has been done for the various Government Departments by the prisoners.

Relief Works Department.

It will be noticed from the table included in this report (Enclosure 9)* that the number of inmates of the various camps has increased during the year, a circumstance due in great part to the severe and prolonged drought. The actual relief given extends over a far greater number than those shown as actually living in camp, as in many cases whole families are left on the farms and supported by the earnings of one or more members employed on the relief works.

The work done has been on the whole satisfactory, and I am of opinion that one of the best features of the camps has been the appreciation shown of the value of regular and continued work, a thing practically unknown heretofore with the class of people employed. The order maintained has been excellent, the law-abiding disposition of the people being particularly noticeable. The health of the inmates has been remarkably good, the death rate being about 10 per thousand, and of this, 75 per cent. are from infantile and senile causes.

* Not printed.

Work has been steadily continued on the dam at Strydfontein, near Kroonstad. Considerable difficulty has been experienced owing to the great depth (over 50 feet) to which foundations have had to be sunk, but the men have taken cheerfully to the labour underground, and this part will shortly be finished. The overflow has already been completed.

At the Mushroom Valley Camp, near Winburg, which I recently visited, the large dam has made excellent progress, the main dam wall being now about three parts finished. It is hoped that the whole work may be completed by the end of this year, if funds are forthcoming.

At Tweespruit, the allotted five mile section of the Bloemfontein-Modderpoort Line was finished in October last. The fencing of the paddocks for the stud farm has also been completed, as well as the dam for irrigating purposes.

The stud farm buildings are about three parts finished. The stables are nearly complete, and are already partly occupied. The Manager's House is complete, and the quarters for various artificers, farriers, carpenters, &c., are in hand.

At the dairy farm the creamery building is nearly completed, and will shortly be roofed. The plant and engines have arrived, and are now being erected. The manager's and dairymaids' quarters are also in hand. The permanent water supply, which feeds all buildings, both of stud and dairy farms, is also well advanced.

On the completion of the railway work above mentioned, the majority of the labourers were removed to the farm Platberg Drift, about two miles from Maseru, and have since been employed on the construction of the line from that place to Marseilles.

The survey and investigations for the irrigation scheme on the Vaal at Parys have been continued throughout the whole period, and with most satisfactory results. The survey of the proposed reservoir shows the capacity to be greatly beyond expectations, and storage can be provided to irrigate 50,000 acres. Owing to lack of funds, it has been decided not to commence construction, and all the available labour of the camp has been concentrated on the branch railway connecting Parys with the main line. Of the total length of 20⅛ miles, over 17 miles of the earthworks are completed, and a considerable portion of the masonry. It is hoped to commence platelaying about the end of June.

Work has been continued on the dam at the Kransdraai Camp, the puddle trench having been excavated and puddled to above ground level. As this dam cannot be completed from loan funds, it has now been decided to close down the camp, and all work will cease at the end of May.

The camp, which was formed in the Harrismith District in May, 1903, for work on the projected Wilge River Line, was closed down in September, 1903, owing to the change in the route of the line from Glenlennie to Mooimeisjesrust. The entire camp was removed to Beacon Hill and put to work on the new alignment, but on the abandonment of the Wilge River Route in February, 1904, had again to be closed. The greater part of the inmates and staff were removed to the Parys Railway Camp, which is still in existence, the railway authorities providing the necessary rail transport without charge.

Government Relief.

In order that the general position of financial expenditure for this Department up to the 30th June last may be understood, I attach a copy of the final account on that date (Enclosure 10). Since that time, and up to the 31st March, 1904, the sum of £130,786 17s. 3d. has been granted in loans in both cash and kind, while the sum of £137,372 18s. 2d. has been repaid.

In addition to the foregoing loans repaid, the sum of £30,192 9s. 1d. has been transferred to the Destitute Burgher Account, which includes supplies of rations and small quantities of seeds to those who are practically destitute and quite unable to pay any proportion of the amounts owing by them to the Department, and have no claims against any of the compensation funds from which the money might have been recovered.

The total cost of administration, including the cost of enquiries into and assessment of all claims throughout the Colony, has been £59,299 10s. 9d. of which a sum of between £11,000 and £12,000 has since been recovered from the Central Judicial Commission.

The expenditure on native repatriation has also amounted to £13,299 4s. 4d.

The loss account, which comprises the total value of animals which have died from disease or been destroyed, and loss owing to provisions or seed becoming unfit for issue, and having consequently to be destroyed and buried, has amounted to £27,201 5s. 3d., which compares very favourably with the loss account for the period of 12 months preceding that under consideration.

The total expenditure in connection with grazing and herding, upkeep of, and repairs to, wagon transport, amounts to £38,973 5s. 5d. It will be noticed from the attached final account up to June 30th that the value of stock and stores on hand on that date amounted to £369,471 1s. 3d., and although it is impossible to give the actual value in hand on March 31st it is estimated that the value in hand on that date was about £160,000. Since that date sales have been held in various parts of the Colony, and the value of stock and stores on hand has been materially reduced. It is hoped that the final account to June 30th will show a comparatively small holding, and that the balance will have been realised.

As the Government Relief Department did not commence to close down, owing to the failure of the crops, until the 31st March, the expenditure on administration is upon the same scale as during the previous year, but it is expected that by the end of July at the latest, the whole of the depôts throughout the Colony will have closed down and disposed of their stores. The only remaining administration charges will then be on account of the head office, which will still be dealing with the large mass of accounts, promissory notes, securities, &c., which have accumulated during the past two years.

The wheat crop throughout the Colony was practically a complete failure, only one district, Bethlehem, realising more than the quantity of seed sown, while in other districts in many cases the crop was ploughed in again, and mealies were sown on the top of it. The mealie harvest, except in the Southern Districts, has been very successful, and though the large quantity produced will materially affect the market, it is hoped that many farmers and bijwoners will, by realising their crops for cash, once more become self supporting, and will no longer need to look to Government for any further assistance. In several of the Districts in the South of the Colony, however, notably Fauresmith and Rouxville, the rain came so late that only a few farmers were able to plough and sow at all, and it is much to be regretted that locusts have quite lately destroyed what little was sown. They are, therefore, in practically the same position to-day as they were at the end of the war, nothing whatever having been taken out of the ground during that time, and I consider that it will be necessary to deal with them very leniently, and possibly to make large reductions in the amount of their indebtedness to the Government.

The number of people drawing rations on June 30th, 1903, was roughly 4,200, while on March 31st, 1904, it was about 3,700, and this although applications were very carefully investigated by the Administrators of the different districts, and only those were given supplies to whom they were absolutely necessary.

Since March 31st to the date of this report the number has again been very materially reduced, and owing to the success of the mealie crop, it is hoped that by the end of the present month, with the exception of those who are physically unable to work for themselves, and a few widows and orphans, the Colony will again be self-supporting. A scheme is now being matured for dealing with the class last mentioned, by placing them on a large Government farm under the care of those experienced and disinterested philanthropists, Mr. and Mrs. Osborn Howe, who are ready to assume full responsibility for their maintenance, the Government furnishing the needful supplies in stock and stores, and paying salaries to their assistants for the first year.

Land Settlement.

Although the past season has not been a good one, the settlers in occupation of Government land have, with a very few exceptions, done fairly well. The scarcity of native labour, the low prices ruling on the market, and the failure of many of the crops, due to the abnormal climatic conditions have undoubtedly hampered men who under more favourable circumstances would have met with greater success. In a number of cases considered on their individual merits, I have, therefore, with Your Excellency's approval, allowed a certain amount of grace in the payment of the first instalments due to Government, and I have also authorised the issue from Land Settlement Funds of special loans for the purchase of seed and fencing material. The friendly terms on which the newcomers are settling down with their Dutch neigh-

bours, the impetus they have given to the formation of farmers' associations in their districts, and their readiness to profit by the experience of scientific agriculturists in other countries gives me every reason to be satisfied with the class of farmer we have been fortunate enough to secure. The success of the Department in this direction has been largely due to the fact that the majority of settlers have been selected after a personal interview with the Board in Bloemfontein, only a few having been accepted in response to advertisements in accordance with the provisions of the Ordinance.

I append statistics (Enclosure 11) which will give a fair indication of the amount of progress achieved by the Department up to the 30th of April.

I have, &c.,
H. F. Wilson,
Acting Lieutenant-Governor.

Enclosure 1 in Enclosure in No. 12.

Statements showing the attendance at, and number of teachers employed in, all Government schools during the period 30th June, 1903, to 31st March, 1904.

Month.	Number of Children in Attendance.			Total.	Number of Schools Open.			Total.
	Town.	Ward.	Farm.		Town.	Ward.	Farm.	
1903—								
July	8,546	541	219	9,306	53	15	13	81
August	8,817	629	243	9,689	53	16	14	83
September	9,130	827	234	10,191	53	22	14	89
October	9,056	1,026	237	10,319	53	29	14	96
November	9,166	1,482	176	10,824	53	42	12	107
December	8,958	1,632	208	10,798	54	48	13	115
1904—								
January	8,210	1,903	127	10,240	54	56	9	119
February	9,041	2,437	172	11,650	55	72	12	139
March	9,163	2,848	176	12,187	55	87	13	155

Teachers Employed.

—	Town.	Ward.	Farm.	Total.
1903—				
June	223	12	14	249
September	230	26	14	270
December...	235	54	13	302
1904—				
March	268	94	13	375

The aim of the Department has been to open Ward schools rather than farm schools.

Enclosure 2 in Enclosure in No. 12.

MINING RETURNS.

Month.	Coal.				Diamonds.							Total.		
	Tons Mined.	Value.	Labour.		Carats Won.	Loads Washed.	Value.	Carats per 100 Loads.	Value per Carat.	Labour.		Value.	Labour.*	
			White.	Black.						White.	Black.		White.	Black.
1903.		£ s. d.					£ s. d.		s. d.			£ s. d.		
July	8,606	3,659 18 3	59	632	19,641	262,072	55,627 1 0	7·4	56 7	450	3,462	59,286 19 3	538	4,194
August	7,011	3,007 12 0	67	705	19,727	264,291	56,102 2 6	7·5	56 9	433	3,773	59,109 14 6	520	4,678
September	8,551	3,647 6 0	77	786	23,476	292,474	69,921 19 3	8·0	59 6	470	4,097	73,569 5 3	647	5,233
October	8,709	4,528 18 0	105	734	23,815	280,359	71,914 18 0	8·13	60 4	615	4,971	76,443 16 0	720	5,705
November	6,515	2,899 3 0	76	1,105	22,412	217,423	62,272 0 3	10·31	55 6	637	4,071	65,171 3 3	713	5,176
December	3,722	2,079 19 0	87	865	18,700	200,846	54,511 13 10	9·80	58 3	594	3,725	56,591 12 10	681	4,590
1904.														
January	9,438	4,649 19 6	91	836	17,277	210,357	50,960 15 4	8·18	53 9	580	3,677	55,610 14 10	671	4,513
February	7,865	4,103 2 6	161	895	20,388	246,683	62,831 3 3	8·26	60 8	566	4,430	66,934 5 9	727	5,325
March	10,009	5,146 16 6	153	731	23,857	316,484	75,067 6 5	7·53	62 11	640	4,966	80,214 2 11	793	5,697
April	11,744	6,535 1 0	158	761	24,660	303,260	78,747 15 0	7·31	71 1	708	5,159	85,282 16 0	866	5,727

* Total labour includes persons prospecting.

Enclosure 4 in Enclosure in No. 12.

GOVERNMENT NOTICE.

Census of the Orange River Colony, 1904.

Unaudited Returns.

Government Gazette, Friday, May 20, 1904.

The subjoined Unaudited Returns of the Orange River Colony Census, taken on the 17th April, 1904, are published for general information.

J. A. ASHBURNHAM,
Acting Colonial Secretary.

Colonial Secretary's Office,
Bloemfontein, May 16, 1904.

CENSUS, 17TH APRIL, 1904.

(Unaudited Returns.)

The population of the Colony numbers 385,045, showing an increase since 1890 of 177,542, or 85.56 per cent. The increase in the whites is 65,703, or 84.54 per cent. as compared with 111,839, or 86.17 per cent., in the case of the coloured.

Of the total population 143,419, or 37.25 per cent. are white, and 241,626, or 62.75 per cent. coloured, that is 168.48 coloured persons to every 100 white; these figures are interesting in comparison with those of the 1880 and 1890 Censuses.

The male white population exceeds the female by 20,103.

FORMER CENSUSES.

The first Census of the late Orange Free State was taken on the 31st March, 1880; at that date the population numbered 133,518 persons, of whom 61,022, or 45.70 per cent. were white, and 72,496, or 54.30 per cent. were coloured.

At the second Census, taken 31st March, 1890, the population was 207,503, an increase of 73,985, or 55.41 per cent. on this total population of 1880; this increase was more marked among the coloured than the white, being 57,291, or 79.03 per cent. in the case of the former as compared with 16,694, or 27.36 per cent. for the latter.

Of the total population (207,503) the whites amounted to 77,716, or 37.45 per cent., the coloured numbered 129,787, or 62.55 per cent.; the corresponding percentages for the census of 1880 were 45.70 and 54.30. In other words there were in 1890 167.000 coloured persons in this country to every 100 whites, as compared with 118.80 in 1880.

PERCENTAGES OF WHITE AND COLOURED.

Census.	Percentage of White to Total Population.	Percentage of Coloured to Total Population.	Number of Coloured Persons to every 100 Whites.
1880	45·70	54·30	118·80
1890	37·45	62·55	167·01
1904	37·25	62·75	168·48

—	All Races.			European or White.			Coloured.		
	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.
Census, 1880 ...	133,518	70,150	63,368	61,022	31,906	29,116	72,496	38,244	34,252
Census, 1890 ...	207,503	108,362	99,141	77,716	40,571	37,145	129,787	67,791	61,996
Increase { Number	73,985	38,212	35,773	16,694	8,665	8,029	57,291	29,547	27,744
Increase { Per cent.	55·41	54·47	56·45	27·36	27·16	27·58	79·03	77·26	81·00
Census, 1890 ...	207,503	108,362	99,141	77,716	40,571	37,145	129,787	67,791	61,996
Census, 1904 ...	385,045	208,894	176,151	143,419	81,761	61,658	241,626	127,133	114,493
Increase { Number	177,542	100,532	77,010	65,703	41,190	24,513	111,839	59,342	52,497
Increase { Per cent.	85·56	92·77	77·68	84·54	101·53	65·99	86·17	87·54	84·68

Enclosure 10 in Enclosure in No. 12.

FINAL ACCOUNT, June 30th, 1903.

To	£	s.	d.	By	£	s.	d.	£	s.	d.
Colonial Treasurer, O.R.C. ...	972,423	15	5	Expenditure non-recoverable :—						
Sundry Creditors as per General Stock and Stores Account	783,346	19	0	Grazing and Herding...	53,997	1	11			
				Repairs ...	6,345	5	11			
				Wagon and Transport service ...	78,846	6	5			
				Rail Transport, Burghers ...	1,146	16	4			
				Destitute Burghers	1,164	18	2			
				Administration ...	80,442	9	6			
				Loss Account	132,904	6	10			
				Extraordinary expenditure	15,435	17	2			
				Native Repatriation	9,635	9	10			
								379,917	12	1
				Loans ...	970,828	13	3			
				Advances ...	1,357	14	9			
				Cash Balance	34,195	13	1			
				Stock and Stores Balance ...	369,471	1	3			
								1,375,853	2	4
	£1,755,770	14	5					£1,755,770	14	5

Enclosure 11 in Enclosure in No. 12.

LAND SETTLEMENT FINANCE.

Total Departmental Expenditure to date, £879,600.
Value of land purchased, £787,400.
Out of which is allotted, £524,011.
Estimated value of land acquired from late Orange Free State Government, £330,114.
Estimated value of land allotted from late Orange Free State Government, £248,421.
Total value of land allotted, £772,432.
Total area of land allotted, 607,958 acres.
Advances to settlers, £33,590.
Expenditure on fencing material, £19,000.

LAND SETTLEMENT.

Number of Board Meetings held, 50.
Land acquired, 80,314 morgen (169,944 acres), at a cost of £115,803, average cost per morgen, 28/10d.
Number of settlers approved, 127 heads of families.
Assisted passages: men, 45; women, 116; children, 99; total 260.

Land Settlement, Orange River Colony.

(Census Returns.)

Completed up to 31st December, 1903.

Settlers.	Adult Males.	Married Women	Single Women.	Widows.	Children.		Horses.	Donkeys.	Mules.	Oxen.	Cows.	Calves.	Goats.	Sheep.	Pigs.	Poultry.
					Males.	Females.										
British settlers	493	178	—	—	227	187	1,151	118	668	4,411	4,464	781	9,696	47,724	1,153	12,691
British Settlers comprising Colonel Hill's party, British Settlement of South Africa, Limited.	39	2	4	—	1	2	75	—	24	169	247	67	130	7,604	12	20
Total British Settlers ...	532	180	4	—	228	189	1,226	118	692	4,580	4,711	848	9,826	55,328	1,165	12,711
Dutch Settlers—																
Lessees of late O.V.S. Government (about 30 per cent. are of British descent).	14	12	—	—	29	37	34	—	32	57	74	12	243	1,727	21	453
Captain Brett's Scouts... ...	21	21	—	—	37	23	49	1	57	45	84	20	174	74	44	622
Members O.R.C. Settlers' Association.	47	36	—	4	61	74	47	—	—	3	54	—	44	1	89	528
Total Dutch Settlers ...	82	69	—	4	127	134	130	1	89	105	212	32	461	1,802	154	1,603
Grand Total—																
British Settlers ...	532	180	4	—	228	189	1,226	118	692	4,580	4,711	848	9,826	55,328	1,165	12,711
Dutch Settlers ...	82	69	—	4	127	134	130	1	89	105	212	32	461	1,802	154	1,603
	614	249	4	4	355	323	1,356	119	781	4,685	4,923	880	10,287	57,130	1,319	14,314

No. 13.

GOVERNOR VISCOUNT MILNER (TRANSVAAL) to MR. LYTTELTON.

(Received June 18, 1904.)

SIR, Governor's Office, Johannesburg, May 30, 1904.

I HAVE the honour to enclose, for your information, a copy of the report of the proceedings at a Conference between His Excellency the Lieutenant-Governor of the Transvaal, the members of the Executive Council, and the members of the Farmers' Congress, together with resolutions submitted by the Congress to the Government at the above meeting.

I have, &c.,
MILNER,
Governor.

Enclosure 1 in No. 13.

REPORT of the Proceedings at a Conference between His Excellency the Lieutenant-Governor of the Transvaal, the Members of Executive Council, and the Members of the Farmers' Congress, held in the Legislative Council Chamber, on Wednesday, the 25th May, 1904.

PRESENT:

Pretoria.

L. Botha, Kommandant-General.
D. J. E. Erasmus, General.
D. J. E. Opperman, Veld-Kornet.
C. F. Beyers, General.
E. Esselen, Advocate.
Melt Marais, Veld-Kornet.
J. Roos, Pzn.
P. Barnard, Jr.
E. Meintjes, ex-Member of the Volksraad.
N. J. Pretorius, Commissioner.
J. C. Smuts, General.
D. E. Erasmus, Mzn.
P. L. Uys, Kommandant.
David Botha, Kommandant.
D. J. E. Erasmus, Tzn.
C. J. E. Erasmus.
P. Roets.
B. J. de Lange, Veld-Kornet.
A. D. Wolmarans, ex-Member of the Executive Council.
L. A. Meyer.
B. Vorster, ex-Member of the Volksraad.
J. v. d. Walt, Veld-Kornet.
M. G. Pretorius, Veld-Kornet.
Simon Prinsloo.
J. B. Wolmarans, ex-Member of the Volksraad.

Pretoria (continued).

P. E. Erasmus, Tzn.
Schalk Burger.
C. Badenhorst, Kommandant.
D. Kock, Wzn.
J. Roos.
Advocate Ferreira.
Hans Minnaar, ex-Registrar of Deeds.
Advocate De Wet.
John Rissik, ex-Surveyor-General.
Advocate de Waal.
Advocate L. Jacobsz.
Louis Esselen.
J. Rickert.
M. Rickert.
H. Malherbe.
Rasmus Erasmus.
H. Jorissen, Manager, Netherlands Bank.
J. van de Venter.

Wakkerstroom.

I. J. Greyling, Kommandant.
G. M. Swart, Veld-Kornet.
Jozua Joubert, Kommandant.
Adjt. Badenhorst, Veld-Kornet.

Piet Retief.

H. F. Meyer, Kommandant.
C. J. v. Rooyen, Veld-Kornet.

Heidelberg.

W. F. Pretorius, Kommandant.
J. H. van Wijk, Veld-Kornet.
H. A. Alberts, General.
P. R. Viljoen, General.
P. J. Uys.
S. B. Buys, Kommandant.
A. Greyling.
F. Bezuidenhout.
W. Bezuidenhout.
D. J. Breytenbach.
J. R. Botha.
Advocate Stockenstrom.

Ermelo.

Tobias Smuts, General.
Hans Grobler, General.
Abr. Klaynhans.

Lydenburg.

S. W. Burger, ex-Acting State President.
C. T. Rabie, Attorney.
W. J. Th. Barter, Commissariat Officer.

Bethal.

H. S. Grobler, Kommandant.

Standerton.

C. J. Brits, General.
J. J. Alberts, Kommandant.
W. Steijn, ex-Member of the Volksraad.
A. Boshoff, Veld-Kornet.

Middelburg.

P. F. Trichardt, Kommandant.
S. P. Trichardt, Colonel, State Artillery.
J. Haupt.
J. B. de Kock.
H. Boshoff, ex-Member of the Volksraad.
P. Ferreira.
J. P. L. Lombard.

Johannesburg.

J. H. Munnik, ex-Government Mining Engineer.
C. H. Muller, General.
Stoffberg, Kommandant.
Org. Meyer, Kommandant.

Johannesburg (continued).

A. Dieperink, ex-Member of the Volksraad.
H. Kock.
Boshoff.
I. van Wijk, Veld-Kornet.
Jan Meyer.

Potchefstroom.

S. P. Cronje.
J. v. d. Merwe.
Jan v. d. Merwe.
C. M. Douthwaite.
F. Wolmarans.
Th. Dreyer.
D. van Graan.

Zoutpansberg.

G. G. Munnik, ex-Mining Commissioner.
T. Kleinenberg, Attorney.
R. G. Nicholson.

Belfast.

P. F. de Bruijn Tenbergen, ex-landdrost, Swaziland.
O. J. Coetzee.

Wolmaransstad.

S. J. du Toit, General.
C. Brink.

Waterberg.

P. Potgieter.
M. van Staden, Kommandant.
F. Boshoff.
S. Lombard, Kommandant.

Lichtenburg.

J. H. de la Rey, General.
H. C. W. Vermaas, Kommandant.
Lod. Lemmer, General.

Bloemhof.

J. F. de Beer, Kommandant.
J. Uys, ex-Member of the Volksraad.
D. Molet.

Rustenburg.

W. S. Breet, Veld-Kornet.
A. P. Els, Veld-Kornet.

SUPPLEMENTARY LIST OF MEMBERS.

PRESENT:

H. Alberts, Heidelberg.
A. H. Malan, Standerton.
P. Ferreira, Middelburg.
J. P. L. Lombard, Middelburg.
C. J. van Niekerk, Johannesburg.
J. H. Bester, Johannesburg.

Kommandant van Niekerk, Johannesburg.
M. W. Pretorius, Waterberg.
M. J. Pos, Waterberg.
P. J. Aitchison, Waterberg.
General Liebenberg, Klerksdorp.
F. Alleman, Klerksdorp.
C. R. Roothman, Klerksdorp.
Scheffer, Klerksdorp.
Nieuwhoudt, Klerksdorp.
P. Post, Klerksdorp.
R. J. van Tonder, Rustenburg.
J. P. van Tonder, Rustenburg.
P. J. T. van Heerden, Rustenburg.
J. H. Kruger, Rustenburg.
J. H. Rickert, Rustenburg.
P. Grobler, Rustenburg.
N. J. van der Walt, Rustenburg.
P. Steenkamp, Rustenburg.
D. Kirsten, Potchefstroom.
Louis Boshoff, Potchefstroom.
D. Ysel, Potchefstroom.
P. Ferreira, Potchefstroom.
G. Wolmarans, Potchefstroom.
F. Naude, Potchefstroom.
J. F. van der Merwe.
H. Z. Rousseau, Potchefstroom.
B. Pienaar, Potchefstroom.

From Krugersdorp and other districts:—

Kommandant Potgieter.
Alberts.
Oosthuizen.
W. Bosman.
B. J. Vorster.
J. du Toit.
L. du Toit.
J. H. v. d. Merwe.
F. Eloff.
J. Klopper.
Kommandant Edwards.
Kommandant van Zijl.
Ex-Burgomaster Potgieter.
Jan Meyer, ex-Member of the Volksraad.

The Orange River Colony was represented by the following:—

Kommandant Louis Botha, Vrede.
Veld-Kornet P. de Kock, Frankfort.
Veld-Kornet W. H. Steyn, Heilbron.
N. M. Mentz, Heilbron.
F. de Kock, Heilbron.

After His Excellency and the members of the meeting had taken their seats the meeting opened.

General Botha, after formally introducing the members of the Boer Congress, at present held in Pretoria, to His Excellency, said: It has repeatedly been said that the farmers (Boers) in this country sat grumbling on their farms, and would do nothing towards the progress of this country, but I think that this meeting, consisting of delegates from every district of the Transvaal, would undoubtedly disprove the accusation.

Our desire and wish was not to place any obstruction in the way of the Government, but merely to co-operate for the welfare and prosperity of the country. The composition of the meeting, which consists of all classes of the farming population, proved that the dissension which had crept in was now obliterated, and we hope that the white population of the Transvaal will, before long, co-operate zealously.

We have many subjects which we would like to discuss, yet we understand that it is almost impossible for the Government to give us any decisive answer immediately. A Committee has been appointed, which would be able, from time to time, to supply any information required by the Government as well as to receive notice of any decision the Government may subsequently arrive at. I wish to add that the Government at this moment has the best opportunity to secure the co-operation of not only the white population of the Transvaal but also that of the whole of South Africa. I wish to mention the different subjects which have been discussed, and upon which resolutions have been passed, viz.:—

(1) The war debt of thirty millions.
(2) The alterations in the boundaries of districts.
(3) The importation of foreign goods.
(4) The indigent and widows and orphans.
(5) The arming of those districts which contain a large native population.
(6) The Diamond and Gold Laws.
(7) Diseases of cattle.
(8) Compensation.
(9) Chinese importation.

(10) The Swaziland question.
(11) Scab Regulations.
(12) The labour question.

I wish also to say that it would be impossible for Sir Arthur Lawley to imagine the good impression created by His Excellency's kind communication, in which His Excellency requested this meeting to meet him, and we shall also pay great attention to that which His Excellency may wish to communicate to us.

His Excellency the Lieutenant-Governor said: I should like, if I may, on the part of my colleagues and myself, to offer to all of you a very cordial welcome here this morning. I can assure you, gentlemen, that I am not one of those who are under the impression that the Boer farmer is sulking. I believe that I realise almost as fully as anyone present to-day what are the difficulties with which you have had to contend during the past few years. It may be that I have not been able to show you as much practical sympathy as I could wish, but, nevertheless, I hope you will believe me when I assure you that, to the best of my ability, I have endeavoured to assist you to return to the condition of prosperity which once you knew. Unfortunately, my duties have been of such a nature that it has been impossible for me to visit the remoter parts of this country as often as I could have wished, but whenever I have had the opportunity of doing so, I have visited as many of the farmers of this country as I could, and I should like to take this opportunity of telling you how much I appreciate, and how highly I value, the extraordinary courtesy and kindness with which I have invariably been received. I value it particularly because I believe that the spirit which has been evinced by the individual members of the Boer community is only an indication of the spirit which animates you as a whole. I intend, so far as I can, to show you that I reciprocate that spirit. I know that it must often be difficult for you, after the events of the past few years, to treat me as you have done, and, therefore, I am the more grateful to you for the spirit which you have shown. Now, gentlemen, we, as a Government, are engaged in building up this country, and it was inevitable that in that work we must introduce methods with which you are unfamiliar, and systems of which hitherto you have had no knowledge, and, therefore, sometimes the measures which we introduce must seem to you strange and unsuitable, but I hope you will believe, and that some day you will realise, that the motives which have actuated us in our policy are honest and good. I do not think that it can be said, either of myself or my colleagues, that we have ever proved inaccessible to any section of the community. It has always been my wish to make myself acquainted, as far as I could, with not only the needs, but with the aspirations and desires of the men of this country. Over and over again I have endeavoured, before taking a step, to ascertain how far it might be in conformity with the wishes of the people of the country.

There are many gentlemen here to-day, who, I think, can tell you that we have had many and many a discussion on topics of interest to this country. I think they will tell you that our discussions have always been of a friendly nature, even though they were often on matters very delicate and difficult to deal with; and though we have not always, I am sorry to say, been able to agree, yet, I think, we have invariably parted without any loss of esteem or respect on either side.

Therefore, when it became known to me that a large and representative body of Boers were to meet in Pretoria, to discuss matters of public interest, I asked General Louis Botha if you would be good enough to meet me before you dispersed. I thank you for accepting my invitation, because I believe it is much better that we should meet face to face and talk straight to one another upon matters of grave public concern. I believe that is better than any system of correspondence, and better even than a system of interviews by deputy, because we get to know one another, and we get, I hope, to understand one another, and I sincerely hope that this meeting will not disperse until we have been able to remove some of the misunderstandings which, I am afraid, at present exist.

I can only assure you that I am most ready and anxious to hear all you have got to say, and, although, if I may judge by the list which has just been read out, I am afraid it will be impossible for us to discuss fully all the questions on the paper, yet I hope, as I said just now, that I shall be able to go so far into them that the result of our meeting will not prove to have been in vain. Gentlemen, we have got to live together in this country, and I believe every one of us is imbued with this

same desire and determination; we shall be able, I am certain, to get over the misunderstanding and want of sympathy which may exist to-day. Nothing, I think, can do it more effectually than a meeting such as this. I will only ask you to speak what is in your hearts, straight to me. I will deal equally frankly with you, and I will ask you for the future not to hesitate, but to go to the Government when you have any complaints to make. As I said just now, our methods are, many of them, new to you. We have a vast Civil Service, and it is impossible that every official in the Government Service should be as efficient as we could wish, but I will ask you, when you suffer from the action of any official from some error or stupidity on their part, not to sit upon it and boil it up into a great grievance, but come straight to us and see if we cannot remedy the grievance. And, if I may also say one thing more, please do not regard the utterances of the press as invariably the utterances of the Government. May I give you an instance? I see in your discussions there was some rather severe criticism in regard to a place called Lydenburg. Now, I hope that it is not an impression in your mind that the Government regarded at all that little incident there as having any political significance whatever, certainly not as being a Boer revolution. Gentlemen, I sincerely sympathise with you if you believe that such an idea was ever entertained by the sober-thinking and sober-minded people. I can accept no responsibility for the head-lines of an enterprising journal, but, as you are aware, the case of a man who was arrested at Lydenburg will shortly be before the Courts, and, therefore, in regard to his action it would be improper for me to express an opinion until the case has been tried, but I hope you realise that in the action we are taking, and in the form in which the indictment is framed, we, on our part, desire to show that the whole thing shall be made public, and that this person shall be exposed. Gentlemen, I do not propose to say anything more just now. I will ask you, therefore, if you will be so kind as to let me have the resolutions, to which I will then reply as fully as the time will allow.

General Botha: I wish to remark that copies of these resolutions have already been forwarded to His Excellency, but I did not know whether they had been received. I will commence, if there is no objection, with the resolution relating to the thirty millions war debt.

His Excellency the Lieutenant-Governor: I have received the resolutions, but have not had, as yet, time to get them translated.

General Botha: It is not my intention to discuss the resolution referring to the war debt; I only wish to bring it to the notice of the Government.

With reference to the resolution regarding the changes in the district boundaries, these alterations were a great disappointment to the people. The inhabitants of these districts had striven for years to have their district proclaimed a district as it was formerly. They now felt humiliated because these districts were placed under other districts, under which they never stood or to which they never belonged. The meeting wished to bring to the serious consideration of the Government the advisability of these districts being reinstated in the full privileges they formerly enjoyed.

I can assure the Government that their own position would be strengthened thereby, if they would agree to the little additional expenditure and thereby could comply with the request. The people have now to travel great distances, and have a feeling as if they had nothing in common with the town they themselves once established. In these times of poverty the Government could take no better steps towards assisting the people than to restore their districts to their original form. They would then be enabled to bestow their attention to promoting the progress of these districts. The country is large, and of wide extent, and it certainly is to the interest of the farmer that these towns should be developed, in order to secure a good market for the district.

I would like to know whether it is Your Excellency's intention to answer each question separately or as a whole. There are so many points that I think it desirable to submit at present only the most important for discussion, the rest could then be dealt with by the Committee chosen by this Congress.

Compensation.

General Beyers: The first point is with regard to Art. 10 of the Peace Treaty, and the resolution carried was to earnestly request the Government for the immediate payment of the free gift of £3,000,000 to the burghers represented at Vereeniging. I wish to point out that the agreement was entered into by the

representatives of the burghers still in arms and also burghers who were prisoners of war. Your Excellency can understand that it was impossible for the representatives at Vereeniging to act on behalf of those who had at that time laid down their arms. In that agreement provision was made for the appointment of certain Commissions to consider the claims of various burghers who were then represented by their Government. I understand that the said Commissions, instead of carrying out the work for which they were appointed, also considered the position of those other burghers who had already laid down arms; and therefore we are of opinion that the paying of this free gift of £3,000,000 had been retarded on account thereof, inasmuch as the claims of burghers who fought under the category of protected burghers had been paid out, whereas the other claims had not been paid out at all.

The point was that the Congress objected to anyone being paid out of these £3,000,000 who was not represented at the Conference at Vereeniging. It had been reported to the Congress that the "protected burghers" also had a claim to these £3,000,000.

The next point was that it had been brought to the attention of the Congress that what had been received as compensation was being set off against the loans, which, in accordance with Art. 3 of the Vereeniging Convention, were to be given to the people for a series of years at a certain percentage. It had been proposed by certain officials, and a few Boers had already been informed, that the amount they had received as compensation would be set off against the loans which had been granted to them for a certain number of years at a certain rate of interest. The Congress urged that the money was a free gift, and that the compensation which was to be paid out of it could not be thus used as a set-off. Your Excellency will remember that this matter had been discussed at Krugersdorp, on which occasion Your Excellency informed us that it was the intention of the Government to have the matter dealt with.

Another point is—and in the interest of the prosperity of this country we urge the point—that all debts of the late Government shall be paid out, inasmuch as the present Government has taken over all the assets of the late Government. This matter speaks for itself, and it would cause great satisfaction throughout the country if these debts were paid out. The Congress also requested that effect should be given to the words of Mr. Joseph Chamberlain, viz., that all receipts given by officers should be paid out in full. Mr. Chamberlain was a responsible official when he made the promise, and we attach great importance to the promises of a responsible officer. Hence our surprise that up to the present the promise has not been fulfilled. There is a case of a burgher at Lydenburg who held a receipt given to him during the war by the commanding officer of the district, whose claim had been only partially paid. A similar case was that of Mr. J. W. Uys (a resident in one of the western districts).

The Congress further wishes that effect shall be given to the Proclamations issued from time to time, in which provision was made for the payment in full for damages. Your Excellency will remember a meeting held at Johannesburg when the case was discussed of six persons, who surrendered in terms of the Proclamation issued by Lord Kitchener, whose claims, being receipts issued, General Oliphant refused to pay. After I had brought this case before Your Excellency's notice, the claims in question were, however, paid. Many claims of a similar nature had not yet been satisfied up to date. These are all points of importance which I wish to bring before Your Excellency's notice. There is also another question which is a matter of complaint, viz., the signing of receipts for compensation. People had to sign a receipt, when they received partial payment of their claim, acknowledging that on account of this payment all claims they had against the Government were settled. Suppose, for instance, that A. had a claim of £10,000, and he is paid £1,000, then he had to state in his receipt that his claim had been settled. In our opinion such was unnecessary.

Cattle Diseases.

Mr. Tobias Smuts: The Congress has, with satisfaction, noticed the tokens of Your Excellency's good will towards the Boers, and gratefully accepts this assurance. It strengthens the confidence of the Congress in bringing these important questions before the notice of Your Excellency. The Congress passed a resolution in reference to the regulations for cattle diseases, and we wish to explain in a few words the reasons which have led to this resolution. We appreciate the attempts made by the

Government to check the spreading of the pest. Experience has, however, proved that the regulations are inefficient, and that causes a great deal of dissatisfaction. And where we also appreciate the attempts made by experts in reference to these matters, and the theoretical knowledge of the said gentlemen, we are still of opinion that it would be well to make use of the knowledge of the Transvaal Boers as well. Therefore, the Congress wishes to propose that the Government should take such steps that in each ward they appoint a Commission which shall also have a right to vote in such matters. By the co-operation of such a Commission, appointed by the Government in terms of the regulations approved by the Government, we trust that the regulations so made will remove all difficulties. As the Boers are most of all interested in the extinction of the pest, they shall not take any measures which would impede the attempts to check the spreading thereof.

Arming of Boers Residing in the Border Districts.

General Botha: I wish to point out that this matter has caused a great deal of anxiety, especially in regard to those districts which have an extensive native population. It is still fresh in our memory how a few years ago a regular slaughter took place among the Boer population of Rhodesia, and only recently it has occurred in German South-West Africa that a great number of people were murdered by the natives. This is surely a warning which we have to accept with all earnestness. In a country so extensive as the Transvaal, of which the census, recently taken, shows what a great native population it has, this matter deserves, and I hope the Government will agree with me, our earnest consideration, and I trust the Government will be found willing to provide the inhabitants of the outer districts with arms at a reasonable price. There are also many people whose crops have been partially destroyed by vermin, and if such matters are not properly attended to, I am afraid that people will have to leave their farms so as to find a safer living in the centre of the country.

Education.

Advocate Smuts: I do not think it necessary to go into the particulars of this matter. There are certain persons who on various occasions have discussed the subject with the Government, by which the Government has shown its willingness to come to the assistance of the Dutch section of the public. The Government, however, did not go far enough, so that on our side, it was not possible to accept the plans made by the Government. The education question was discussed in all its details in the Congress, and the points on which the greatest attention was bestowed are the following:—

The Dutch education in the schools is very insufficient; for instance, too little time is bestowed on it, and there are many schools where there are no teachers who understand that language.

Complaints are made that the children make very little progress on account of their not understanding the language used as the medium for teaching them. As our country-people can allow their children to be taught for a short time only, these receive virtually no satisfactory education or forming.

Another point is that the local management of these schools ought to be in the hands of the parents. All of us, however, feel that in a question of this nature the Government will be prepared to come to our assistance. We are willing to meet the Government in regard to this, and trust that it will co-operate with us where so grave a point is concerned. We shall be extremely gratified should the Government come to our assistance in connection with these two points, viz., more Dutch to be taught in the schools, and the acknowledgment of the rights of the parents in the management of the schools.

Gold and Diamond Laws.

Mr. A. D. W. Wolmarans: The Committee chosen out of the Congress herewith hands in 167 petitions, with 20,359 signatures, relative to the Gold Law alone, and the earnest request of the Congress is that His Excellency and the Government will not take the proposed Gold Law into consideration, and especially not those of its clauses which are of an encroaching nature for land owners, until self-government

shall have been established. Then there are 168 petitions, signed by 20,538 persons, sent in against the Diamond Law. Their principal points are the following:—

That the Government has made these laws without the knowledge of the people, and that according to these laws the owners' rights would become so curtailed that they would receive less than the half, and the Government the largest share. The people were of opinion that the Government was entitled to a share of the profits of the mines in the country, and to a substantial share too, but that it should not appropriate more than the half; further, that this should be equally divided upon all the minerals in the country. Our earnest request, therefore, is that the Government in future will frame no laws which affect the land owner, or take them into consideration, before the country has a proper responsible Government.

Then there is a petition from the inhabitants of Christiana asking for the postponement or extension of the period fixed for the payment of erven, which they had bought from the old Government. Taking into consideration the condition of poverty in which the people exist, this Congress strongly recommends this request to the serious consideration of Your Excellency. There is also another petition from the inhabitants of Christiana asking to be permitted to prospect, under the Prospecting Law of the late Government, for alluvial diamonds on their erven, which request the Congress strongly supports. Next there is a petition from Lydenburg asking for the construction of the railway line which was formerly granted, viz., from Belfast via Lydenburg to Pilgrims' Rest. In view of the condition of Lydenburg and the want of means of transport, the Congress can support the request to commence the construction of this railway line as soon as possible.

It has also been brought to the notice of the Congress that private companies have declared themselves ready to build this line so that no expenditure on the part of the Government would be entailed.

Indigent Widows and Orphans.

Advocate Smuts: The poor are always with us, and now, in consequence of the war, there are, in addition, widows and orphans. We are grateful for the steps which the Government have already taken for the assistance of these unfortunates. Yet the matter is a serious one, which presses heavily upon the people. The Congress has suggested various methods, which it is thought will partly solve the difficulty. The Congress recommends, amongst others, that the properties of the Repatriation Commission, which are still on hand, should be sold at a reasonable price to the people. That in collecting taxes and debts the Government should, as much as possible, take the condition of the poorer classes into consideration. Further, the Congress asks that the orphanages established by the churches should be subsidised by the Government, and that the widows whose husbands were killed during the war should be assisted by the Government. And we also ask the Government that the Commissioners and other officials of lower rank be replaced in the Government service, and that the Government should continue the construction of public works, so that the poorer classes be enabled to earn something. These suggestions are all practicable, and, should the Government adopt them, one of the greatest difficulties in this country will be removed.

Mr. Neethling: The Congress requests the Government to take such measures that goods which are given as donations to the orphanages may be carried by rail free of charge. The Congress further wishes to draw Your Excellency's attention to the fact that indigent immigrants enter this country, against which there is no prohibition, while the condition of the country is already so bad; this is not the case in the Cape Colony or Natal.

Native Labour.

Mr. S. W. Burger: This is one of the many matters which has affected the people seriously. The labourers of this country are the natives who live near the whites, and in view of the present state of the country I wish to request the Government to enforce the old Squatters' Law, and that the tax on natives be reduced to the former rate. We find that under the altered circumstances difficulties having a very injurious effect have appeared; under the old system of taxation the native who lived on a white man's farm, or who was employed by him, paid a tax of only twelve and sixpence per annum. That was an inducement for natives to live on

the farm of a farmer. Now that they have to pay the same amount, whether living on a white man's farm or in locations, they return to their locations. Then there is another point which I wish to bring to Your Excellency's notice, and which entails many difficulties; there is, for instance, in Lydenburg, one Native Commissioner, resident at Magnet Heights, and another at Pilgrims' Rest. Now the natives who live on the farms of the farmers have to travel on foot a distance of ten to fifteen hours' ride to pay their taxes, so the Congress would like the collectors of these taxes to go about the districts.

Scab Law.

Mr. Nicholson: There exist certain regulations relating to scab, but it is extremely difficult for farmers to distinguish the different scab diseases from each other. In connection with sheep especially there is a great difficulty. I should like to see the regulations with reference to sheep and goats entrusted to the superintendence of a veterinary surgeon, and the inspectors to the farmers who understand it. These regulations have proved a source of great difficulty, especially for the inhabitants of the eastern portion of the country. Some of them were ordered to remain on an unsheltered plain with their sheep, and I hold that if the regulations were amended in such a manner that if the sheep farmer dipped his flocks he could then trek with them, that this would be to the benefit of the inhabitants.

Divisional Councils.

General Botha: With reference to the establishing of Divisional Councils, I wish to remark that they may be good, yet at the present moment, and keeping the impoverished state of the country, the Congress considers it a mistake to establish such a Council, and if such a body determine to impose a tax, then it is certain that no support will be given to it by the farming population.

(His Excellency adjourned the meeting to 2.30 p.m.)

His Excellency the Lieutenant-Governor's Speech to the Boer Congress, 25th May, 1904.

Gentlemen, I understand that it is not your expectation that every point raised this morning should be replied to this afternoon, but I propose to deal as fully as I can with the various points raised, because I may not meet you again for some time to come. I propose to deal with the various points raised in the order in which they were brought forward, except that I will ask the Attorney-General to deal with matters concerning the Gold Law and the Diamond Law, inasmuch as he is more conversant with them than I am.

The first point raised is regarding the war debt of thirty millions. I would remind you that His Majesty's Government have already shown that they do not mean to force this thing on the country at a time when they consider it cannot afford to bear it. Before such a step can be taken the necessary legislation will have to be brought before this House. At the present moment there is no question as to such taking place. The Legislative Council will meet for the transaction of business next month, and this does not appear among the measures which it is proposed to submit to that House. I think, therefore, that any discussion of this question at the present moment can only be premature.

The second point raised is the question of restoring to certain districts the status of a full magistracy. Now this matter has on several occasions been brought forward to the Government by the town directly concerned, and I will only say to you what I said to them when the matter was first brought before me. I ascertained that there were certain disabilities from which these towns suffered in consequence of not having a full-fledged magistrate to control them. In certain matters, such as the payment of revenue and other kindred subjects, these towns did at first suffer from some disabilities, but I hope that those disabilities have been removed, and that there is no inconvenience put upon a district at the present time by the fact that it is merged in another district and under the jurisdiction of another magistrate. It really, therefore, comes to this, that the objection to the present system is more

sentimental than otherwise. The establishment of magistrates in these towns would mean an increased cost of administration, and at a time when we are being pressed on all sides to reduce the cost of our administration and to reduce the number of highly paid officials it seems hardly right that we should take this step. It is not as though we regard the present position as permanent. It is obvious to all that in a reasonable time we shall be called upon to divide the country into electoral districts. We have, as you know, just taken a census, and the present division of the various districts can only be regarded as temporary. Seeing, then, that there are no practical serious disabilities under which these districts suffer, I would ask you not to press for a readjustment at the present time, which would only upset the machinery, at present in fair working order, merely for a matter of what I believe to be sentiment.

The third point is with regard to the importation of goods from abroad. I notice that your resolution says that the mercantile and farming communities suffer under this, but I cannot help thinking that there is some misapprehension as to the true position. It is quite true that, in accordance with the traditional policy of the Colonial Office, the Government is requested to make purchases as far as possible through the Crown Agents in London, but these instructions do not apply to stuff and produce grown in South Africa. You remember that since the war ceased until now the products of this country have been by no means up to the average. Now the main consumers, as far as the Government is concerned, are the railways, and it was necessary for them last year to import a certain amount of grain and mealies. Now that, after a fairly good harvest, these things are produced in the country, the policy of the railways has changed. I should like, if I may, to call your attention to the wording of a notice calling for tenders for the railway from the 1st July, from which it is apparent that the interests of the farming community have not been lost sight of. The tender calls for mealies and provender, and it is particularly this sentence to which I would draw your attention:—"In order to afford farmers' associations and kindred bodies an opportunity of disposing of their produce, and to assist produce dealers and farmers to tender, the Administration is prepared to consider tenders for the delivery at any convenient railway station in South Africa of the whole or any portion of the requirements, such delivery to be spread over the whole or any part of the period." The same policy which has been adopted in the Railway Department will be adopted in every other Government Department in regard to the purchase of produce in this country. I say more than this, that although the Civil Government had no control over the Military Authorities, at the time when the Military Authorities were calling for tenders for grain and forage, I wrote to the Commander-in-Chief, Sir Neville Lyttelton, and I asked him to ensure, if possible, that these orders were kept within the Transvaal, and he gave me an assurance that this course would be adopted. So I hope you will realise that though for a time it was necessary for some of our Government Departments to import this material from abroad, now that the country is more restored to its normal condition and is able to supply our wants we shall look to you to do so.

The next point is on the question of compensation. I may say at once that of all the many difficult problems with which I have been called upon to deal since I came here, I regard this as the most difficult. I propose to deal with this at some length, and I hope to make the position clearer than I think it is at present. I cannot undertake to deal with the question of compensation by itself; it can only be considered in conjunction with the question of repatriation. There is one point which was raised this morning by Mr. Beyers which is quite new to me, and which I must frankly say I cannot accept. I understood him to say—and he will correct me, I am sure, if I am wrong—that the terms which were signed at Vereeniging were to apply only to a certain section of the people. (Mr. Beyers: That is so.) Well, frankly, gentlemen, I cannot accept that proposal. In the Minutes of the Conference which took place at that time it is distinctly laid down, and accepted by both sides, that the terms, as they were signed, were to be taken literally, and that no fresh conditions were to be introduced. Now, in those terms it is clearly stated that the signatures are made on behalf of the burghers of the two States, those of the Transvaal and of the Orange Free State, as it was then, and it is impossible to read into these terms now the interpretation that they were signed on behalf of any particular section. That is, in my opinion, so clear that I cannot accept any other interpretation. There is another point, I do not wish to labour it, but I think it should not be lost sight of—the point that the word "compensation"

does not occur once in the whole of those terms. I do not want to quibble about words; but I think we should bear these two points in mind when dealing with this most difficult question. Now, I propose to deal with this question, firstly to tell you what we have done regarding the people at large, and then to point out the position of the individual burgher. Now, under the terms of surrender, His Majesty's Government undertook an obligation to devote the sum of three millions sterling for the purpose of assisting the restoration of the people to their homes, and supplying those who were unable to supply themselves with food, shelter and the necessary amount of seed, stock, machinery and implements indispensable for the resumption of their normal occupations. They further undertook to assist the people by loans on easy terms. Now, it would have been competent for the Government to have included all of the inhabitants of the two Colonies, and to have included the cost of administration. As a matter of fact, His Majesty's Government did neither. Not a penny of the three millions has gone towards the cost of administration. The whole, and, as I shall show you shortly, a great deal more, has gone in restoring the ravages of war. Now, I will try and put clearly before you the various funds which have been placed at our disposal. There is, first of all, the free grant of three millions of Imperial funds under the terms of surrender. There is a further grant from the Imperial Authorities of two millions for compensation to British subjects, foreign subjects and natives. There is also a sum of five millions from the guaranteed loan to be devoted to repatriation. Then there are two other funds, which I propose to treat as one. The first of these is the sum of two millions sterling given to us by the War Office to pay out certain burghers with whom the Military Authorities had entered into a special agreement, and who are entitled to a more liberal scale of compensation than the rest of the burghers; and, finally, a sum of two and a half millions, which was placed in our hands to pay the military receipts which were given by the military during the war. So that altogether a sum of 14½ millions has been devoted to the restoration of this country, and for it to recover itself from the ravages of war, or rather I would exclude the last two sums I have mentioned, and I would rather put on one side the "protected burghers" and military receipts, and I would exclude them from that category, and would say that, broadly speaking, a sum of ten millions has been devoted to the restoration of this country; that is the more accurate way of putting it. Practically the whole of this sum has been expended. It seems, I know, an enormous sum; but you must consider what the condition of this country was ten years ago, and what has been done since. You must also remember that, owing to the fact of exceptionally bad harvests last year, we were obliged to feed for a period of a year and a half, instead of for six months, a very large number of the people. Now, I know it has often been said that money has been wasted, and that the administration of these funds has been badly conducted. Well, so far, I have not had the privilege of seeing a full report of how that money has been expended, and therefore it is impossible for me to judge whether these criticisms are just or not. But, broadly, the position is this: that having undertaken to spend three millions in restoring this country we have already spent ten. It is quite true that much of this is recoverable; but I do hope you will believe, gentlemen, that the Government has tried to fulfil its obligations, though in some instances it is possible mistakes have been made in the administration of the money. You must remember that the organization had to be equipped and prepared most hurriedly, and it is impossible that in an organization of such magnitude a certain amount of extravagance and unnecessary expenditure should not take place. But I hope you will believe that we have not failed to realise the serious position of the people of this country, and that we have made strenuous efforts to enable them to recover from that position. Now I would like to deal more particularly with the case of the individual burgher who comes as a claimant for compensation under the terms of surrender. It has been suggested, I know, that instead of the elaborate machinery we set up it would have been far simpler and better that cash payments should have been paid out at once. But even had that been possible, I do not believe it would have been satisfactory. Let us consider for a moment the number of claimants for compensation. I do not include British subjects, foreigners, natives or the class known as "protected burghers." I am going to deal simply with the case of the "ex-burgher." Now, of these ex-burgher claims the number amounts to close on 40,000, and in addition to those who have actually claimed for compensation there are quite half as many more who have been assisted by repatriation, although they

are not claimants for compensation. So that in round figures you will see that the number with which we were called upon to deal was at least 60,000, and many of these are individuals representing families. Now supposing it had been physically possible to divide this amount of three millions immediately among them, it is a very easy sum to work out how much each would get. You will find that each of them would have received £50. Now, I ask you, would it have been humanly possible for these people, if they had received at the close of hostilities a sum of £50, to have found themselves in the position which they are in to-day? Had it been possible to make such a division, we were face to face with a vast number of men in a state of destitution. It was impossible for us to withhold relief from these people while we were determining the exact proportion of the three millions to which each man was entitled. We therefore issued the various materials necessary to carry out the conditions of the terms of surrender, and in the first instance everything was issued on credit. Now some exception has been taken to this action on our part, that an account was kept against every man. If this money was to be administered on anything like business lines, this course was absolutely necessary, because, while some have already received more than their share of the three millions in kind, others have received less, and there is still a large amount to be paid out to these in cash. Now you must see that unless an accurate account had been kept against each man it would have been impossible for us to adjust these accounts clearly, and know to whom the further amounts were payable and to whom not. I know there is great complaint about the long delay in these cash payments, but I would ask you to remember a few points. In the first place I would ask you to realise that the total number of claims under the various categories amounts to close on 60,000. I know that exception has been taken to the course which we followed in appointing one Commission to deal with the whole of these claims, but you must remember that every one of these claims had to be gone through and classified. A great many of the claims submitted were for British subjects, and they had to be ruled out of that class and put into the class of "ex-burghers" or "protected burgher." Similarly, many of the "protected burghers" had to be ruled out of that class and put among the "ex-burghers." There was an immense amount of overlapping of the claims, and these had to be sorted out by one body of men. And when it came to be considered in what way we should deal with these claims, we took the smallest class first, so as to get them out of the way. Now, I am glad to say the protected burghers have been largely paid out, and I hope that within a week or two the whole of them will have been paid out, and the same with regard to British subjects, and then we shall turn the whole of our attention to the ex-burgher class. I assure you, gentlemen, that if I could settle every compensation claim at this moment I would gladly do so. But not only have these claims been of enormous number, but many of them have been quite unintelligible; they were in every kind of language, then many of them relied on evidence which it was extremely difficult to obtain; and in some cases, I am sorry to say, they were of a fraudulent nature. But I do intend to use whip and spur in this matter, and settle the claims as soon as I possibly can. I should like to clear up one point, and that is I know exception has been taken to a circular which was issued asking those who were in a position to do so to repay some of their liabilities to the Government. Now this circular was issued because we believed that a considerable number of those who obtained assistance from us were in a position to pay their debts. You will perhaps have noticed that the circular was rather in the nature of an invitation than a demand, and our anticipations have not proved altogether wrong. A good many have come forward, and, so far as I know, without any inconvenience to themselves, have paid off a considerable amount of their debt to the Government. You can understand that with these large sums which we have put out we are naturally anxious to make some recovery at the earliest possible date; but it is not part of our policy to set a man on his legs and then, just as he is beginning to stand upright, to knock him down in the mud. I should like, if I may, to refer for a moment to the questions raised by Mr. Beyers with regard to protected burghers and military receipts. We, as a Government, are merely the agents of His Majesty's Government in respect of these matters. The Military Authorities issued certain receipts during the war for goods received. At the end of the war we said to them: "If you will give us the money to cover this indebtedness of yours we will get the money recovered." They gave us what they reckoned would be more than enough to

pay these receipts. As a matter of fact, the amount they paid has already been considerably exceeded, and there are still payments to be made. At the same time there were certain conditions attached to the payment of these receipts for which we are not responsible, but with regard to which we are bound to take the ruling of the War Office. We cannot alter these conditions if we wish. Now it has been ruled by the Military Authorities that where a man had got receipts for goods and then went out on commando those receipts would not be recognised. There were also cases where some not very wise officers had signed receipts for goods at very extravagant rates, and therefore the Military Authorities laid down certain prices as the rate to which they would be responsible. We, the Government of this country, cannot go against the regulations of the War Office. I do not know whether the case to which Mr. Beyers referred this morning comes under this category or not; but if so, you must carry your opinion to a higher court than this. With regard to the protected burghers, we received from the Military Authorities a sum to fulfil their obligations with respect to this class. We can, therefore, only make that money go as far as it will, taking care that, so far as lies in our power, the allocation of it shall be perfectly just between man and man.

The interpreter (Mr. Esselen) explained that the only reason why the Government undertook these payments was as agents in the interests of the people. He also informed them that there were certain points which His Excellency had not had time to touch upon, but which he would look into and give his full consideration.

The fifth point is regarding the extent of cattle disease, and I will say at once that, in the opinion of the Government, this is the most serious and gravest matter with which we have, as a community and as a Government, to deal. We are told that the Government knows nothing about this disease, but I am sorry to say that we know a great deal too much. This disease, gentlemen, which has only been in this country the last two years, is, we have satisfied ourselves by scientific experiments, a new and very deadly disease, and we are face to face with the possibility that unless we can arrest this disease in some way the outlook is extremely grave. Science has taught us that the parasite which causes this deadly sickness is communicated by a certain kind of tick. If you had time to go through our laboratories, I am certain that we could convince you of the fact. We can show you the life of the parasite in all its stages, and we can show you the effect on the blood of the animal when the parasite has entered. And even if science did not show us all this, we have learnt by experience that once ground becomes infected by this disease it is not clean again for at least a year, and unless some measures are taken it is only reasonable to anticipate that the disease must spread. Unfortunately, though science shows us the cause, it has not yet shown us the cure. When this mortality first began among the cattle, we combined with the other Governments of South Africa in securing the man most capable of diagnosing the disease and most likely to suggest a cure. That experiment cost each Government some thousands of pounds, and I am sorry to say it has not yet resulted in a cure for the sickness. We then made up our minds, guided by the advice of scientists, that the most successful way of arresting the disease was to get the farms of the country fenced as soon as possible. Had that been possible, I believe we might have done much by now to stamp out this disease. Now last year, you will remember, we introduced legislation dealing with the fencing of the country In the first instance, in consequence of the grave menace before us in the shape of this disease, we proposed to make fencing compulsory, though at the same time we introduced a clause whereby the Government could be called upon to supply the necessary fencing. I know it would have cost a great deal of money, but I believe that if that Ordinance had been carried in its original form we might have saved an enormous amount of money to the farmers of this country. But, in deference to representations made on behalf of the farming community, we decided that the Ordinance should only be permissive. Our first two proposals, the engagement of Dr. Koch and compulsory fencing, having failed us, we then resorted to regulations. I know that those regulations were stringent, and that they imposed a great deal of inconvenience to many, but I am perfectly certain of this, that if we had not had those regulations and if they had not been in the main carried out, the disease would have been to-day infinitely worse than it is. It is my firm belief that if we were to withdraw those regulations throughout the country it would mean the extermination of all cattle in this country. Well, among your proposals it is suggested that a committee should be appointed to help us to deal with this disease. I may say that long ago we

appointed Advisory Committees in most districts of the Transvaal in which the disease was rife. We have Committees now in no less than sixteen different districts, who are, and have been, most energetic and helpful to the Government, and we do not propose to depart from the principle we have adopted, but we shall be glad of your help to devise a scheme for the eradication of this disease. Now, gentlemen, I hope you will not undervalue the help that science has given us in this case. Science has shown us how to deal with the ravages of rinderpest. It has taught us to deal effectively with plague, small-pox, and a thousand other diseases, and I beg of you not to ignore science in dealing with a problem such as this. Let us deal with this in a practical way. Let us, as a Government, get our scientists to lay down the measures to eradicate the disease, and do you on your part come forward and meet our scientists and discuss with them how these measures are to be carried into effect. What I want to impress upon you most earnestly to-day is this; that you are face to face with a very grave danger. We realise it and we mean to do our best. I will only ask you to help us. We have to face a great expenditure of money, but this money will be wasted unless we have power to make the measures which may be decided upon compulsory. Remember that one or two obstinate men may, unless we have power to overcome their ignorance and prejudice, keep this disease alive in this country for years. What the necessary powers will be I am not in a position to say just now; but if the Committee which you propose will be so good as to enter into negotiations with the Commissioner of Lands, I can promise you that he, who represents the Government in this matter, will meet you and will fully discuss all details of any proposed measures with you, because we are just as anxious to banish this curse from the country as you are.

The sixth point is with regard to the arming of individuals in districts where large Kaffir populations exist. I must say that until this was brought forward I was not aware of any cause for complaint. I remember, that under the sixth clause of the terms of surrender, the possession of rifles would be allowed to every person requiring them for protection. I was under the impression that where individuals had come forward and shown that rifles were necessary for their protection, in such cases rifles had been allowed. I confess I do not presume it is suggested that the whole population should be armed, because I do not know of any country in the world where the civil population is armed with the military rifle. It is certainly not our desire that any individuals should go in danger of their lives. I am quite sure that any reasonable request will be favourably considered by the Government. I should like to say that I know in such districts as Pietersburg, Lydenburg and Waterberg, many hundreds of rifles are already in the hands of the people, and therefore I was under the impression that we had met the wishes of the people in this respect where reasonable cause was shown.

The seventh point is the question of education. When the Government instituted a system of education it undertook the responsibility of giving free education. At the same time, it made a definite point in its policy, that it should retain in its hands the appointment of teachers. We felt that so long as we undertook the financial responsibility, we should retain that power. But we adopted that policy more for the reason that in that way we could secure greater efficiency among the teachers. I know that in the old days we have always had small local School Committees, and you have urged us to revert to that policy. We have pointed out that in our opinion a small local committee is too much subject to small local prejudices and local interest, and that if a system of School Committees is adopted with full preliminary powers, they should be appointed over a wider area than has hitherto been covered by the School Committees. We believe that the objections which I have mentioned will thus be reduced to insignificance, and in the negotiations to which Mr. Swartz referred this morning, which passed between the Christian Education Committee and the Government, we endeavoured to meet the wishes of the committee by the proposal that if committees were appointed they should be appointed over wider areas than has hitherto been the practice. The negotiations began in September last, and it certainly was given to me to understand that this question of the School Committees with power to appoint teachers was really the cause of the whole situation, and that the question of the quantity of Dutch taught in the schools was not an issue standing in the way. I know that great emphasis was laid on the fact that Dutch should be the medium of instruction, at least in the lower standards; and as a matter of fact, that is at present being done. Now we got

as far as December last, and, as I say, the Government endeavoured to meet the views of the committee by a compromise in the matter of the area over which the committees should hold jurisdiction, and on the question of Dutch being the medium of instruction in the lower standards. The Government spent hours in trying to embody these principles in a draft memorandum. I am only sorry, gentlemen, that I have not had time to have the correspondence printed and translated into Dutch, so that each one of you might have had a copy. I do not propose to go into the various points raised in that memorandum. It was very long and very detailed, but it was, we hoped, possible to make it the basis of a compromise between ourselves and the Christian National Education Committee. We endeavoured, so far as we could, to make it clear to the members of that committee that this was not a final proposal of the Government—not an ultimatum.

It was put forward as a draft proposal, upon which it might be possible to arrive at some compromise. But I am sorry to say that our proposals were absolutely rejected, that the door was shut in our faces; but I hope it may be opened again some day, because we hold very strong opinions on the question of education, and while we recognise that you also have strong opinions, yet I cannot help hoping that, sooner or later, we may find a way of working together on this great question. I can only say that, if it appears good to members of the committee to reopen the question, we will be very glad to do so. I trust you will forgive me if, for a moment, I touch upon a personal matter in regard to this.

In reading a report of your proceedings the other day I read the following: "He"—General Smuts, I think, was speaking—"He said that Sir Arthur Lawley, in a speech he made recently at some place or other, absolutely protested that the people of the Transvaal should consider that the Dutch language was a foreign language." That was a thing that touched me to the heart, and hurt me. Now, honestly, gentlemen, it hurts me when such words as these are put into my mouth. The only speech which I can recall with regard to this question was last year, when I took the opportunity of addressing some of the young teachers who were just going out to take up their work in the schools. If you will pardon the delay for a moment, I will read two or three sentences, in order that I may correct the impression, if it exists, that those were the sentiments which I expressed. I said as follows: "Now I do not suppose that anyone would ever contend that Dutch can be spoken of as a foreign language in this country, but Dutch children in their homes and amongst their school-fellows, have ample opportunities of becoming familiar with colloquial Dutch, and we think honestly and genuinely that, if in every Government school we make an allowance of one hour per day, we are amply fulfilling our pledges at Vereeniging. I would impress upon you (the teachers) that you must help us to carry out the terms of the compact. Do not squander one moment of the time which we set apart for this instruction, but do your best strenuously and earnestly to give every child in the school ample opportunity of becoming thoroughly acquainted with a perfect knowledge of grammatical Dutch." Gentlemen, I don't think those words can be interpreted as a desire on my part to regard Dutch as a foreign language.

General Botha said he must defend General Smuts, who did not say what was attributed to him. The report in the newspapers was inaccurate.

Sir Arthur Lawley: That is an error for which I cannot blame General Smuts.

I must pass now to the question of the Lydenburg railway. This is really more a matter for the Inter-Colonial Council, and I know they have before them at the present moment certain proposals with regard to the building of this line by, I believe, certain private firms. I believe there are certain details in the proposal which are not entirely satisfactory, but I realise, as well as you do, how important it is to the people of Lydenburg. for the railway to be carried there as soon as possible.

The next point, gentlemen, deals with poor widows and orphans, and I am sure you will not misunderstand me or think that I approach the question unsympathetically if I ask you to leave the details of your proposals to be discussed between the Commission and the Government. There is only one point to which I would refer—a point which is often lost sight of—and that is with regard to the employment of the poor on public works. I know that the times and conditions of the country strongly impelled us to such a course, but on the broad question of policy I do not myself believe in it as a permanent part of our administration. In the first place, it is a very extravagant way of conducting public works, but what I think is a much

more serious fault is that if you establish this as a regular system, you are creating a class of permanent paupers in this country, who always look to the Government for help, who lose their spirit of independence and self-reliance, and who, instead of working out their own salvation on the land and becoming useful, self-reliant citizens, are merely indigent folk, looking always for charitable doles. I think that we run the risk of committing a great mistake if we adopt this as a general and regular policy, and I should say if we are obliged to take that step, only let us do it as a very last resource.

Now, gentlemen, we come to the question of natives. In the first place, I am urged to carry out a rigid enforcement of the Squatters' Law. Now, in the neighbouring Colonies, though they have not precisely the same as we have, yet, as a matter of fact, those which contain approximately the same provisions as are contained in the Squatters' Law have been allowed to remain inoperative. I know that from time to time, yielding to popular agitation, the Governments have tried to enforce those laws, but such attempts have invariably brought the Government in conflict with the old land-owners and the farmers, and the occupiers, and those who have vested interests in the land. Now, you will remember, many of you from personal experience, that this matter has often been talked of in the Volksraad, and that the last resolution of the Volksraad was that it should be carried out, so far as effective. Now, I should like to read to you, but I have already detained you so long, I should like to read to you a letter that was written by General Piet Cronje in his capacity of Superintendent of Natives. After reciting the instructions which he received, and the action which he took, he says: "The various Native Commissioners have unanimously given me to understand that, in districts where there are many natives on Government lands, it is impossible to comply with the instructions, for the following reasons: In those districts where there are many natives the locations are too small, and thus many natives reside on Government lands. Now, if these natives were removed from Government lands, they could not trek to locations, because they are too small; neither will they go to work for the Boers, because they do not wish to live on barren fields. The consequence of this is that they fly across the borders, and in that way many natives are lost. The removal of natives from Government lands has thus the opposite result to my intention, namely, to supply the burghers with natives. The Native Commissioners can exercise no influence on the natives living on Government lands, and thereby assist the burghers." Now, so far as I can trace it—you, gentlemen, will probably know better than I—no attempt was ever made to put the Squatters' Law into operation, except on Government lands, except—I am speaking from memory—except, if I remember rightly, General Andries Cronje was successful, by his own personal influence with the natives, in inducing some of them to remove from one farm to another. From all that I can gather, and as far as I can trace it, the Government found the greatest difficulty in carrying this law into effect. There is much in the principle of the law with which I am in entire sympathy, but I am sorry to confess that I am afraid that, if it were a rigidly-enforced law in any part of the Transvaal, we should lose an enormous number of natives. Of course, I may be wrong, but it seems to me that it is a great risk to run, especially as that opinion was entertained by people who had practical experience of the working of the law in days gone by; and I am sure of this, that if rigidly enforced throughout the territory, it would cause a good deal of unrest, so that I think we should be wise, both you and I, to approach this difficult subject carefully, and to thrash the whole question out before we act at all precipitately. Now there are one or two questions which I do not purpose to deal finally with. One is the question of the tax. The other is a question, which is, in my opinion, a small question of detail, as to whether the natives should go to the Native Commissioner and pay their tax, or whether it should be collected by officials of the Government. But in regard to all these questions of native policy I would point out that at the present time, a Native Commission is sitting, of which our own Commissioner for Native Affairs is president, and, as that Commission will shortly be in Pretoria, I should be grateful if you would make your representations to that body, because I think that, while, not only in this matter, but the whole question of native policy, is under consideration, it would be hardly expedient or proper of the Government to suddenly alter the existing legislation. I would ask you, therefore, to take the opportunity afforded by the Commission sitting at Pretoria to explain your views.

Gentlemen, the next point is one purely of administration, upon which I do not

purpose to detain you. I will only assure you that if you make the representations you made to-day to the Commissioner of Lands with regard to the Scab Act, he will give every consideration to your views.

In regard to Swaziland, and I may say also in regard to Asiatic legislation, the Government is only too anxious to take action. But meanwhile we have to wait the sanction of His Majesty's Secretary of State, which I hope will be granted without any undue delay.

There is only one other point I would refer to, and that is with regard to Divisional Councils. I may say that some time ago I was informed that the creation of these Councils would be welcomed by the residents of the country, and therefore I took the early opportunity of bringing it forward as a probable contingency. I am glad to have an expression of opinion from so representative a body as yourselves, and I can give you an assurance that the Government is not to hurry over this matter. The only other two points I have not touched upon are the Gold Law and the Diamond Law, and I would be glad, as I told you this morning, if you hear the views of the Attorney-General upon those. I will only thank you for the patience with which you have heard my remarks.

The ATTORNEY-GENERAL said that the resolution of the Congress that no amendments should be made in the Gold Law until responsible Government was granted was rather sweeping, and he suggested that it would have been better if they had passed a resolution appointing a committee to discuss with the Government the new draft law. He would have liked their petition to be a little more explicit, and he would like them to point out to him exactly in what respect the draft Gold Law prejudicially affected the rights of the owners under the existing law. It might be said that the new law erred in the share which it proposes to give to the owners of farms proclaimed public diggings.

Under the existing law the owners of farms proclaimed public diggings get first of all a one-eighth mynpacht, then they get a certain number of owners' claims, and then they get what is called a "clear mynpacht." There was a good deal of sound reason for that provision, but the clause providing for the mynpachts was granted in such a way that the law was in many cases not complied with. People who were anxious to acquire a mynpacht assiduously cultivated their land as much as possible before proclamation, so that the public, who had the right to prospect on different claims, complained that the owners of land were given a larger share of the mineral rights in this way than the law intended them to have. The Commission appointed to enquire into the working of the Gold Law recommended (and on that point they were unanimous) that instead of giving the owner a portion of the mineralised ground to the extent of one-tenth of the whole area and a mynpacht, all his rights should be consolidated into one lot. The draft Gold Law introduced last session provides that the owners of land proclaimed public diggings shall receive a mynpacht equal to one-seventh of the whole farm, instead of the different scattered rights conferred by the existing law. The whole question was whether the one-seventh of the whole farm was equivalent to all the rights which the owner gets under the existing law. If it was equivalent then he thought that they would agree with him that no injustice had been done. The Select Committee on the draft Gold Law had taken a great deal of evidence, and they very carefully enquired what was the direct equivalent of all the rights enjoyed under the existing law. There were men on that Commission who were as jealous of the rights of the owners of the land as they could be. He thought that the rights of the owners of the land could be safely left to be looked after by them. He had been told that under the existing law the owners of land proclaimed public diggings could occupy, under proclamation, a certain portion of his land, and he could obtain a mynpacht for that ground. The draft Gold Law gives the owner the same right. It gives the owner the right to get a mynpacht for the land because that mynpacht is already provided in the seventh of the whole farm which he gets. There was a good deal of hardship to the owner under the existing law. Many people had lived upon their homesteads for many years, and they did not want their homesteads compulsorily taken away unless possible *(sic)*.

Two suggestions had been made to him on that point. One suggestion was that if a portion of the ground occupied by the owner was found to be mineralised, with his consent that portion could be proclaimed, and the owner could be compensated for same.

Every care would be taken not to deprive the owner of the rights he now enjoys under the existing law. The existing law prohibits mining underneath a railway. There had been considerable difficulty in consequence of that. The railway constructed between Vereeniging and Johannesburg has to pass over the surface of claims. When the railway administration gives notice to a claim holder that the railway will pass over certain claims an objection is at once lodged. The railway could do no harm to the working of those claims, and those claims could not do any harm to the railway, because of the depth they go down. But there was the law. The law says that no one can mine underneath a railway, and, therefore, the claim-holder who has notice of the building of a railway over his claims says that under the existing law he loses certain of his rights and he cannot mine those claims. People who are working prospecting claims under the existing law may want to borrow money to work those claims. They have no security. The only security is by the mortgage of those claims. Under the existing law they cannot mortgage them, unless first of all they have them specially registered, and they cannot have them specially registered unless they convert them into diggers' claims. That means, instead of paying 5s. a month on the claims they have to pay 20s. a month. He thought the law ought to be amended so that the person who wishes to borrow money may do so. Many other amendments were required to the law, which the Government would be very glad to discuss with them. Amendments had been suggested which the Government had thought very necessary to the law. Whatever objections there were to the new Gold Law, he felt perfectly certain that the land owners' rights were the same as in the existing law.

With regard to the Diamond Law, the Attorney-General said that that was a law which was really in force, and they asked that an amendment should be made to that law. In fact, they asked in respect of the Diamond Law what some people asked in respect of the Gold Law. The Government did not suppose the law was a perfect one. They would not be surprised to hear that amendments were required to that law, and would be glad to consider and discuss such amendments as the Congress thought necessary. If the Government would not do anything to meet them on this question they could always present a petition to the Legislative Council asking the Council to amend the law, and the person who puts in the petition can ask for a Select Committee to consider the application. They had complained about the Diamond Law in two respects. They had said the owner did not get enough, and that the law deprived him of his rights. It was perfectly true that the public were not much consulted with the passing of that law at the time it was introduced. The fact of the matter was that a valuable discovery was made at the Premier Mine, with which the Government was asked to deal as quickly as possible. There was a law in existence dealing with diamonds, passed in 1898, but that law was not workable. It had never been applied, because no discovery had been made before the war (so far as he was aware) to test the capacity of that law. Even the Company which owned the Premier Mine represented to the Government that the law was unworkable, and that another law had to be passed.

He would not say that the Company were satisfied with the law that had been passed. The old law provided for the pegging out of claims for diamonds and also provided that the claims should be allotted by means of a lottery, not more than four claims to each person. The first policy with regard to the Diamond Law which the Government decided upon was to abolish pegging. Where there was a rich area, which was also a small area, it was impossible to peg without bloodshed.

With regard to the allotment of claims, the Government did not think that was a satisfactory way of dealing with the State assets, and came to the conclusion that it was better for the Crown to have that share of the mine which was formerly given to the public. It was better that the Crown should have an interest in the mine than that certain persons should have it who were fortunate enough to draw it luckily in a lottery.

So the first thing decided upon was to do away with public pegging and the allotment of claims by lottery. He did not remember on any occasion having been told by anyone who had a knowledge of diamond mining that that was a mistaken policy. He had been reading some letters which appeared in a Bloemfontein paper, written by an Englishman in Johannesburg, who stated (or suggested) that the Government in their policy of doing away with the pegging of diamond mines and taking a portion of the mine were actuated by the capitalists. The Congress could take his assurance (he had had as much to do with the law as anybody) that he did

not remember any capitalists suggesting that policy. Where did the Government get that policy from? From their experience of the working of the mines in Kimberley. There in the early history they had pegging out for mines, which led to so much disorder and breaches of the peace that it was abolished. In 1898 a Bill was introduced into the Cape Parliament which repealed all the old laws on diamond mining and made provision that in future when the owner and discoverer had acquired shares in the diamond mine, the rest of the claims were sold for the benefit of the Crown. That law had not been passed by a capitalistic Government in the Cape Colony. It was passed by a Government of which Sir Gordon Sprigg was president, and of which he (the speaker) was a member.

Having got rid of the public from their minds, what was to be done with the mine? The whole would have been too much for the owner. The Government therefore decided that the mine should be divided between the owner and the Crown. The question was how much to give to the owner, and that was a very difficult question. It was referred to a committee which consisted of seven members. This committee did not agree.

Three of the members recommended that the owners should get four-tenths and four recommended that the owners should get one-quarter. The Government accepted the recommendation of the minority, and carried the four-tenths in favour of the owner in the teeth of considerable opposition. The question was very carefully gone into as to how much the owner was entitled to in view of what he got under the existing law at that time.

Under the old law the owner only got one-eighth, but he had the right to select that one-eighth. He thought the right of selection, under certain circumstances, was a very valuable one, but that if the old law had been enforced in all its strictness, the right of selection, in very many cases, would be of little value. Under the old law the Government could give three months' notice to the owner of the proclamation of the mine. During those three months the owner could prospect the mine, but he could only employ four white men to prospect.

Supposing this law had been in force against the Premier Mine. He thought it very doubtful whether they would have been able to prospect so thoroughly as to find the crater of the mine. At all events, the Government thought that four-tenths was even perhaps more than equivalent to the one-eighth which the owner had under the existing law. If the owner had four-tenths the Crown had six-tenths. The present law provides that the owner can work the whole mine, deduct from the profits his working expenses, and then the balance would be divided in proportion to the value of the mine. It did appear that sixty per cent. was a very large share for the Government, but then they must remember that the Crown owns six-tenths of the mine, and giving the owner four-tenths of the mine they gave him more than he had under the old law. They might find a mine of three or four hundred claims, which might not be very rich, and it might perhaps be difficult for the owner to come out if he had to pay sixty per cent. of the profits to the Crown. The Government would be quite prepared to discuss this and any other points they liked, and they always had the right of presenting a petition in respect of the law to the Legislative Council. He hoped that the Commission would not be slow in putting forward their views, not only upon the Gold and Diamond Laws, but also upon every other law passed by the Government.

General Botha said that he understood that the three million free gift had been expended.

His Excellency the Lieutenant-Governor: A sum of three millions has been expended, of which a certain sum has been, so to speak, paid in kind and a certain large amount still remains to be paid in cash.

General Botha asked when the balance of the three millions would be paid out.

His Excellency the Lieutenant-Governor: I should be very sorry to pledge myself to a day. My own belief is that it will not be long. If I were to say when I think the date is likely to be, and it proved from one or other various causes considerably longer, I should feel that I had not kept a promise. I would rather disappoint you now. I would rather ask you to trust me to push it as hard as I can.

General Botha said that Article 10 of the Peace Terms was, as a matter of fact, a child born in London, and rammed down their throats at the moment of

peace. At the last moment they got so much time in which to accept or reject those terms.

During the discussion leading to the signing of the peace document they were told that they had no right to speak on behalf of the surrendered burghers, as they were already British subjects, and were provided for by the military proclamation issued by the British. The fact of these men being paid out of the three millions was the very subject on which great dissatisfaction existed amongst the Boers. He expressed the hope that the Government would go into this question. It was clear to him that they were getting further and further apart on the matter. He could refer them to the minutes of the meeting held with Mr. Chamberlain in Johannesburg, when it was laid down that protected burghers should not fall under Article 10 of the Peace Terms, but should be paid out of another fund.

With reference to the Diamond Law which was passed in the time of the Republic, the new law contained radically different conditions to that. He was glad to hear from His Excellency and also from Sir Richard Solomon that there would be an opportunity of discussing these Laws with their Commission.

His Excellency the Lieutenant-Governor said he should merely like to say, with regard to one point raised by them, that of course, as they knew, he was not here at the time the Peace Terms were signed. He would rather have this point cleared up with the members of the Government who were present at the time. It was a matter which General Botha might discuss with himself and those who were present at the time.

Mr. Schalk Burger said he wished to express to His Excellency and the other members of the Government his hearty appreciation of the patience with which they had listened to their representations that day. He wished to represent to His Excellency what he said on a former occasion, when Mr. Chamberlain was present, that when they had any grievance or representations to make, they would come direct to the Government.

His Excellency the Lieutenant-Governor: I can assure you, as I said this morning, that it is a matter of great interest to me that you should come here in such numbers and discuss these matters in the spirit which you have shown to-day, in the moderate and temperate manner in which they have been put forward, because they are matters upon which I realise you must feel strongly, and, therefore, I appreciate more that you should have brought them forward plainly in the way you have done. The points which have come up for discussion are numerous, and they are matters which cover a wide field. I endeavoured to deal with some of them as fully as I could, so far as time would allow, and I hope that the patience with which you listened to me is an indication that you will be prepared to listen to me again at any time. Well, I hope you will accept as truth on my part that I have no desire to treat you with anything but the utmost consideration. If there are any points which I failed to make clear to you, or if there are any of the various points which you would like to discuss further with the Government, we shall be at any time prepared to receive the commission which you have elected, or are about to elect, and to go into these matters fully, because I can assure you that in saying this morning it is the earnest desire of the Government to work with the country, I was using no empty phrase.

I only hope that we may see this country very soon come back to a condition of great and lasting prosperity. If I can play my part so as to contribute in some degree to that achievement, I shall feel that I have not come here in vain.

That is the aim and object which I set before me, and though at times I may fail, I can assure you, gentlemen, it is not for want of the will. I can only thank you for the courtesy in which you have addressed me, and the patience with which you have listened to me, and I can only hope that before long we shall all meet again. I thank you, and I hope, General Botha, you will convey to Mr. Esselen my appreciation of the admirable way in which he undertook and carried out his arduous duties.

Enclosure 2 in No. 13.

THE BOER CONGRESS, PRETORIA.

Resolutions passed by the Congress, and presented to the Government.

Re Divisional Councils.

The meeting having in view the possibility of the calling into being of Divisional Councils, and further, having in view that special taxes will be levied for maintenance of roads, &c.

Resolve, in consideration of the great poverty prevailing in the country, to ask the Government not to bring them into being for the present.

CATTLE DISEASE AND PEST REGULATIONS.

This meeting having considered Article 1 on the Agenda *re* Cattle Disease:

Having taken into consideration the injurious results of the continued spreading of the disease, expresses its thanks to the Government for having taken such steps as appeared most necessary for the stopping of this disease as well as for the trouble taken in trying to find a remedy for it.

This meeting having taken into consideration the existing regulations which have proved ineffective and a great obstacle and restriction to the inhabitants, proposes that the existing regulations be amended as follows:—

1. That all wards or portions thereof in which the disease already exists or may afterwards break out, be placed under the management of a Committee and further Committees.
2. This Committee to be comprised of an official and three or more of the inhabitants of the ward or portion thereof, elected by the inhabitants of the said ward, which Committee shall have the power to draw up regulations and to take such steps as they may deem to the purpose. These regulations to be confirmed and approved of by the Government.
3. All wards or portions thereof in which the disease exists or may subsequently make its appearance to be placed under quarantine.
4. The traffic and farming operations in such quarantined wards or portion of a ward to be regulated by the aforesaid Committee.
5. To allow free traffic and to discontinue the issue of permits in district wards or portions of wards in which no case of pest has appeared. The export from and import of slaughter cattle into wards placed under quarantine shall take place under regulations to be laid down by the Government, and the regulations at present existing be amended accordingly.
6. The meeting expresses its desire and request the Government to offer a reward to any person who may discover a good preventive or remedy for the disease, and for the present to use that discovered by Mr. Roux, or at least to give it a proper trial.
7. As it has appeared in several instances that the removal of cattle from low to high veld has caused the disease to leave such herds, and as it made no reappearance among the cattle so removed, this meeting wishes to suggest to the Government that a proper investigation be made into the matter, and a proof station be established in the vicinity of the low veld, to which infected cattle could be sent in order to undergo this proof.

This meeting feels convinced that the trouble to be taken, and the expense to be incurred by this, will not be in vain.

Re Education.

The meeting points out that in terms of the Peace Agreement of Vereeniging, the Dutch language shall be taught in public schools where the parents of children

wish it, and that it is the desire of every Dutch-speaking person that his child should thoroughly learn the Dutch language as well as the English; they further point out that everywhere there are many complaints because there is too little time assigned to the Dutch language in the public schools, as well as over the very careless manner in which this language is taught; and that there is also much discontent over the trifling advancement of the children generally.

This meeting wishes further to emphasise the deep conviction of the Boer people that the education of the children is the duty and the right of the parents, subject to State supervision and laws, and that the present Government's system of education, however well-meant, is likely to become more and more a source of contention and estrangement between the Government and the people, whilst no measure such as a satisfactory and efficient scheme of education is more suited to bind the people to the Government.

With a view to these motives, and with the object of promoting contentment amongst the people and thoroughness of education in the schools, this representative meeting, wishes, with all respect, but with great earnestness, to request the Government to alter its system of education in such a manner that the Dutch shall enjoy equal rights with the English in the Government schools, and shall serve as the medium of education in the lower standards, and that the control of the schools and the appointment of teachers shall be entrusted to school committees chosen by the parents and those interested.

The Poor Widows and Orphans.

This Congress deems it desirable that the following steps should be taken with a view to lightening the great poverty and to helping the many widows and orphans:

a. That the still remaining repatriation cattle be divided amongst the poor farming classes, to become their own property under reasonable terms.

b. That in the collecting of taxes and debts the Government should take into their favourable consideration the financial condition of the debtors.

c. That the widows who lost their husbands in the war should be assisted by means of pensions.

d. That all orphanages which, as a result of the war, have been founded by the various churches, should be supported by the Government in a reasonable manner without binding unacceptable restrictions to such support.

e. That the former police and officials of the lower grade of the South African Republic should, as many as possible, be reinstated in the State service.

f. That as many as possible of the poor classes should be employed on public works.

Re Importation of Chinese.

This meeting expresses its approval of the cable sent to the Secretary of State for the Colonies by the Boer Leaders with reference to the importation of Chinese labourers for the mines, and expresses the feeling of the Boer population that this step is a very dangerous one which should not, under any circumstances, be taken without the constitutional approval of the people of the Transvaal.

Re Swaziland.

This meeting having in view the fact that a large number of the inhabitants are interested in Swaziland through the early acquisition of holdings and concessions, and otherwise, and seeing that those owning rights can, under present circumstances, make no use of their rights there, respectfully ask the Government to take the necessary steps to place those interested in a position to make use of their properties and rights there, by the incorporation of Swaziland in the territory of the Transvaal, and to bring this matter under the earnest consideration of the Government.

Thirty Million War Debt.

Resolution of Congress passed on 23rd May, 1904.

This meeting reiterates the protest delivered by the people's deputation to Mr. Chamberlain in January, 1903, against the placing of a £30,000,000 sterling War Debt upon this land before responsible Government is granted, but express their willingness that a debt shall be placed upon the land with the object of paying out reasonable compensation for all war losses.

Importation of grain and goods from abroad.

The Congress resolves to point out earnestly to the Government the injustice that is being done to the people of the country by the buying and importation of goods from abroad through the agency of the Crown Agents, goods, which in many cases, can better be obtained in the country itself. The farming and mercantile communities especially suffer under this. And further, that all goods and products required by the Government in this our country should be purchased by means of public tender.

Arming of Districts having a Kaffir population.

This meeting sees with deepest anxiety that the districts where a large Kaffir population is resident are not armed, and that great danger exists for the unarmed population. They point out that at the Declaration of Peace the arming of such districts was not lost sight of. They resolved to humbly request the Government to provide the said districts with cheap arms and ammunition under licences, for which a nominal fee shall be paid.

Re Districts.

This meeting regrets the action of the Government in removing the status of certain districts as this tends to loss and retrogression of the inhabitants.

This meeting resolves, by meeting the Government, to press this matter under their earnest consideration.

Re Petitions received regarding the Diamond and Gold Laws.

(F. 236.)

Approved Commission Report.

The Commission appointed to consider the Petitions received by your meeting have the honour to report as follows:—

1. One hundred and sixty-eight Petitions have been received, signed by 20,538 persons, against the Diamond Law.

2. One hundred and sixty-seven Petitions, signed by 20,359 persons, against the Gold Law.

Your Commission is convinced that the opinions expressed in the Petitions against the Gold Law are perfectly correct, and recommends your meeting that these Petitions be laid before His Excellency the Lieutenant-Governor by a committee elected by your meeting for the purpose of strongly recommending the contents thereof on behalf of this Congress to the favourable consideration of His Excellency. With regard to the Petitions against the Diamond Law, your committee is of opinion that the action of the Government deserves disapproval, and recommends your meeting to strongly protest against the action of the Government in drawing up and passing laws of such a far-encroaching nature with regard to the rights of the people; and moreover that such was done whilst many landowners were Prisoners of War in a foreign country, and without the knowledge of the people.

Further, your Commission recommends the Congress that this meeting give as its opinion that no laws of such a far-reaching nature upon the rights of the landowners and the people in general, shall in future be entertained before a proper self-government shall be granted to this country, in which the people in a proper manner shall be represented in the Government so that they may have a vote in the drawing up of such laws.

3. A Petition from the inhabitants of Christiana, signed by 107 persons, asking for an extension of time for the payment of the erven bought by them from the late Government, which your Commission earnestly recommends on account of the impoverished condition wherein those persons now exist.

4. Petition from the inhabitants of Christiana, with 50 signatures, for permission to dig for diamonds on their erven, in regard to which your Commission recommends that it be suggested to the Government that this matter be submitted to the State Mining Engineer for investigation, and to assist these people according to his finding.

5. A Petition from the inhabitants of Bloemhof District, signed by 95 persons, requesting that the district be left as it formerly was, to wit, the town of Christiana as chief town of the district.

Your Commission is convinced that the same action has been taken with regard to the other districts, and therefore recommends this meeting that this Congress earnestly urges upon the Government that no alterations in districts and wards be made because such changes are a great inconvenience to the inhabitants.

6. A Petition from the inhabitants of Belfast, Dullstroom, Tonteldoos, Roos-Senekal, Lagersdrift, Witpoort, Minnaarspoort, Hartebeestspruit, the Eastern portion of Steelpoortspruit, signed by 102 persons, requesting the completion of the railway from Belfast to Pilgrims' Rest.

Your Commission, having taken into consideration the facts stated as brought forward by the petitioners, are of opinion that it is necessary that this line, which was granted a good while ago, be constructed as speedily as possible, it being known to us that various proposals have already been made to the Government for its construction by private companies without direct expenditure on the part of the Government.

Compensation.

The Congress resolves:

1. In consequence of Article 10 of the Treaty of Peace which has now been two years concluded—

   (*a.*) To earnestly urge upon the Honourable Government the immediate payment of the free grant of £3,000,000 sterling to the burghers who were represented by the two respective Governments at Vereeniging.

   (*b.*) To protest most strongly that anything shall be paid from aforesaid free grant to anybody who was not so represented.

   (*c.*) To draw the attention of the Honourable Government to the fact that it has been brought to the notice of the Congress that infringements upon the privileges stipulated in Clause 3 of Article 10 of the Treaty of Peace, have been made, with reference to the loans which have been contracted for two years without interest, and which after a term of years were to be repaid with 3 per cent. interest, as in conflict with the stipulation; the officials dealing with the matter in many instances intend that these loans should be met by the compensation to be paid out of the free grant of £3,000,000 to the persons who have contracted such loans; which actions press heavily upon our indigent.

2. For the purpose of promoting satisfaction amongst the inhabitants and for the prosperity and welfare of the country the Congress urges upon the Government that all lawful debts of the late Government be acknowledged and paid, especially as the present Government has taken over all and very valuable assets of the late Government.

3. The carrying into effect of the repeated assurances given by the Right Honourable Mr. Joseph Chamberlain while Colonial Secretary that all receipts signed by British Officers would be fully paid out, which up to the present has not been fulfilled, to the great astonishment of the Congress and disappointment of the holders of receipts, while in some cases payment has been totally refused.

4. Further, that the Proclamations issued from time to time by British Commanding Officers be carried out, under which Proclamation burghers surrendered their arms, under a promise of protection for person and property and full compensation for all losses suffered by them after their surrender.

No. 14.

HIGH COMMISSIONER VISCOUNT MILNER to MR. LYTTELTON.

(Received 12 noon, June 18, 1904.)

TELEGRAM.

June 18. No. 170. Agreement for additional Article to *modus vivendi** was signed at Lourenço Marques 15th June by which, notwithstanding provisions of Article 10, it is understood that in any admission of industrial products free of duty into Transvaal or Mozambique the elements of such industry must be products of the soil.

No. 15.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 4.40 p.m., June 23, 1904.)

TELEGRAM.

June 22. No. 3. Please telegraph whether beri beri has broken out among Chinese, and if so, what precautions have been taken to prevent spread of disease among coolies or general population.

Send by mail, report on arrival, landing, and despatch of Chinese.

No. 16.

HIGH COMMISSIONER VISCOUNT MILNER to MR. LYTTELTON.

(Received June 25, 1904.)

SIR, High Commissioner's Office, Johannesburg, 6th June, 1904.

I HAVE the honour to forward for your information copies of the General and Special Agenda Papers laid before the Inter-Colonial Council at its present Meeting, together with various other papers (see enclosed list) circulated to Members.†

I have, &c.,
MILNER,
High Commissioner.

Enclosure 1 in No. 16.

PRESIDENT'S OPENING ADDRESS

(Delivered May 31, 1904).

My first duty, and it is a very pleasant one, is to extend a hearty welcome to the new Members of the Council. It will be within the recollection of the old Members that during the Extraordinary Meeting of Council in March last a Motion, proposed by Sir George Farrar, was unanimously adopted, requesting me, as President, to represent to His Majesty's Government the desirability of increasing our numbers, especially by the addition of more Members drawn from the Legislatures of the two Colonies. His Majesty's Government was pleased to adopt that recommendation, and the result was the Order of His Majesty the King in Council of April 21st, which was published in the High Commissioner's Gazette of May 13th. I am confident that this act, by which the number of the Members of Council has been raised from fifteen to twenty-six and that of its Un-official Members from six to twelve, will add materially to the strength and influence of the Council and increase its efficiency as an administrative organ. This addition to our numbers led at first to some difficulty in finding a suitable place of meeting. But this was soon got over by the offer of the Transvaal Administration to place this historic Chamber at our disposal. I daresay on some future occasion the Government of the Orange River Colony will be equally willing to grant us the use of their Legislative Chamber, and, without committing myself or attempting

* The text of the *Modus Vivendi* is printed in the Appendix. † Only a few of the enclosures are printed.

to commit my fellow-members as to our future movements, I think we shall all admit that there would be a certain fitness in this Council, common as it is to both Colonies, meeting from time to time at Bloemfontein.

And now, Gentlemen, as I fear I must trespass in some considerable degree upon your patience this morning, I will proceed immediately to a review of the business before us.

The first business is, of course, to make provision for Inter-Colonial Services during the coming financial year.

But, before entering on that subject, I must say a few words about the financial year which is drawing to a close. The Revised Estimates of Revenue and Expenditure, which were submitted to Council at the Extraordinary Meeting in March, are turning out to be pretty near the mark. As far as they need to be modified at all the modification is in the right direction. The estimates in question—you will find them in Annexure "C" to the Minutes of our March Meeting—put revenue, in round figures, at £1,600,000 and expenditure at £2,620,000, thus leaving the two Colonies to make up £1,020,000, of which the Transvaal proportion would have been about £900,000 and that of the Orange River Colony about £120,000. As a matter of fact, revenue looks like being £60,000 more, and expenditure £90,000 less, than we at that time estimated. The increase in revenue is not due to any improvement in the net receipts of the Central South African Railways, which are likely to come out at just about the revised figure, or a little below it. To be safe, I allow a margin of £20,000 and put Railway Revenue, which was £1,220,000 up to the end of April, at £1,380,000 for the twelve months. But, on the other hand, we shall have a small nest-egg, of which no account has been taken in previous estimates, in the shape of some £80,000 of interest on loan funds. This is mainly due to the employment, by the Crown Agents, of such balances on loan account as were from time to time in their hands, and to a lesser extent to advances out of loan funds in this country. This gives a net gain on the revenue side of £60,000. The diminution in expenditure is due entirely to a further reduction in the cost of the South African Constabulary. In my revised estimates, I allowed for a reduction of £190,000 on that item, but the actual reduction will be £280,000 or £90,000 more. The total saving on pay, rations, equipment, and so forth of this force will thus considerably exceed a quarter of a million for the year. You will remember that our estimates contemplated a force of 6,000 men, but subsequently the force was allowed to drop to 5,000. Still, as the average number employed during the twelve months was considerably above the latter figure, the saving—more than one-sixth of the vote—is greater than can be accounted for by the mere diminution of numbers. The numbers have been reduced, but there is also a reduction in the cost per man, which was no doubt very high at first, but in which there has so far been a steady and progressive diminution.

Of course, these figures are still only estimates. The exact results cannot be known until a little while after the close of the financial year, which ends on the 30th June. Still, with only one month of that year before us, the margin of possible error is small, and I have no hesitation in putting down the contribution required of the two Colonies towards Inter-Colonial expenses at £870,000 as against the £1,020,000 of the estimates made just three months ago. Of this sum, the share of the Orange River Colony would be, in round figures, £103,000, that of the Transvaal £767,000. As far as the Orange River Colony is concerned, the result will simply be that a surplus on the financial year 1903-4, in any case substantial, will be slightly increased. In the case of the Transvaal, the result will be that the threatened deficit, estimated by me in January last at £350,000, and in the beginning of March, when addressing this Council, at £200,000 will be reduced to very trifling proportions, if not altogether averted. My March estimate was:—

Revenue of the Transvaal	£4,300,000
Expenditure:	
For Local purposes	3,600,000
For Inter-Colonial purposes	900,000
Total Expenditure	£4,500,000
Deficit	£200,000

But my friend, Mr. Duncan, informs me that, while the expenditure of the Transvaal, including Supplementary Estimates, will be £3,660,000, the Revenue, on a moderate calculation, is not likely to be less than £4,430,000, or only £70,000 under the original estimate of a year ago—a very creditable result.

My present Estimate, therefore, is:—

Revenue of the Transvaal	£4,430,000
Expenditure:	
For Local purposes	3,660,000
For Inter-Colonial purposes	767,000
Total Expenditure	£4,427,000
Deficit	Nil

I say again, this is only an estimate. The actual upshot may be a few tens of thousands of pounds better or a few tens of thousands of pounds worse, but the general result cannot be other than this: that in a very bad year, after our Inter-Colonial Services have been fully provided for, the Transvaal is still paying its way, while the Orange River Colony has a substantial surplus. That is not glorious, but neither is it ignominious. I should be the last to boast of it; the last to make invidious comparisons of our financial position with that of others. But when I observe that in this bad year (and it has been bad all round), the neighbouring Colony of the Cape looks forward to a deficit of between £700,000 and £800,000, while the United Kingdom of Great Britain and Ireland has an assured deficit of £5,410,000, it does strike me that our financial troubles, over which so many crocodile tears have been shed, are nothing out of the common.

Turning to the coming financial year, 1904-5, which begins on the 1st July, the Council will observe that our expenditure is taken at £2,500,000 in round thousands, as compared with an expenditure for the current year, which was originally estimated at £3,030,000, but of which a revised estimate was submitted in March, of £2,620,000, and which will actually turn out, for the reasons already stated, to be about £2,530,000. Comparing this last figure, *i.e.*, the £2,530,000, which we are actually spending this year, with the £2,500,000 which we are providing for next year, you will observe that the difference is accounted for thus: the debt charges and these small miscellaneous items are about £100,000 up, and the South African Constabulary Vote is £130,000 down—£130,000 down upon the actual expenditure, but no less than £410,000 down upon this year's Vote. The net result is, that the total estimates of the Inter-Colonial Council for next year are £30,000 less than the probable actual expenditure for the present year, and £530,000 less than the original estimates for this year, which were £3,030,000. I admit, however, that the estimates were originally swollen, to the extent of rather over £200,000, by a peculiar method, since abandoned, of estimating the debt charges, which threw the burden of fourteen months' interest upon the revenue of twelve months. The true reduction, on the estimates of 1904-5 as compared with those of 1903-4, is not £530,000, but a little over £300,000.

With regard to the items of the £2,500,000, I will not detain you now by any lengthy explanations. Full particulars can be given when the several votes are submitted for your approval. But I think it may be convenient to the Council to state at once what is the present position of the Guaranteed Loan Account, as well as the reason why the vote for the South African Constabulary is presented in its present form.

Dealing first with the guaranteed loan, I may, perhaps, be allowed to refer members to my statement on this subject at the March meeting, which will be found on page 9 of the opening address, printed as Annexure "A" to the Minutes of the Public Session. In that statement I showed that the whole of the first thirty millions of the loan had been "spent, or as good as spent," treating as "spent" the sums "resting in the hands of the Crown Agents, which are ear-marked for definite impending "liabilities," such as the redemption of the shares of the Netherlands Railway Company or the payment for railway construction material already ordered. Any further expenditure on loan account would, therefore, I argued, involve tem-

porary borrowing in anticipation of the remaining five millions. Now, since that date, there has been some further expenditure on loan account. In the first place, the programme of capital expenditure on open lines to which the Council, at its last meeting, allocated a sum of £1,542,000, transferred from other items of the loan funds, has been rapidly proceeded with. To the extent of some £700,000 that allocation was to cover work already done; the rest was to provide for the work still necessary to complete the programme. Of this outstanding work, more than two-thirds has now been completed, and there has, therefore, been an expenditure out of loan funds on this Head, since our last meeting, of some £600,000. Besides this, a certain amount of expenditure is being incurred all the time, within the limit sanctioned by the Council, on other purposes provided for by loan, such as new construction, public works and land settlement. Under all these heads, especially the last-named, we are going very slowly, partly from lack of labour, partly because, till we get the further five millions, which we have authority to raise, we do not want to spend more than we can help, so as not to swell the amount of our temporary borrowings. Adding these items to the amount, already mentioned, of capital expenditure on open lines, our expenditure and liabilities on loan account by the end of the financial year will be about thirty-one millions. But as far as I can see, we shall not actually have to raise any short loans before that date, because, owing to the slow rate at which the shares of the Netherlands Railway are being redeemed, the Crown Agents will not have paid off, to the extent of something like a million, all those outstanding liabilities on loan account, which were included in my calculation of last March among the thirty millions "spent or as good as spent."

Sooner or later, however—and I expect pretty early in the coming financial year—the Crown Agents will have cleared off all, or nearly all, our liabilities with respect to the acquisition of railways, and then the million or so in excess of the thirty millions of the Guaranteed Loan already issued will begin to make itself felt in the form of short loans. And these short loans will, of course, steadily increase, as railway construction, public works, &c., go on, though, for the reasons already given, the increase will be slow. For, with one exception, there is nothing more big ahead of us with regard to loan expenditure, and this Council has it in its power to regulate the pace.

The exception to which I refer is the final settlement with regard to the three million grant made to us out of Imperial funds in accordance with Article X. of the Terms of Surrender at Vereeniging. It is true that, in respect of that account as a whole, the Government is the creditor and the ex-burgher population largely the debtor, but that is only true of the total. When the 40,000 individual accounts are finally made up, as I hope they soon may be, there will undoubtedly be a good many, in which the value of goods supplied to the individual will turn out to be less than the share of the grant to which he is entitled, and there may be some cases in which there is no debt to the Government at all. With these people we shall have to settle in cash, whereas in the cases where the value of goods supplied exceeds—and it often greatly exceeds—the individual's claim against the grant, we shall frequently have to wait for our money. That means that there will be, at some not very distant date, certainly within the coming financial year, a further expenditure debitable to Head III. of the loan, which will temporarily swell the excess expenditure under that head, though ultimately, as I explained in my statement of March last, we may hope to recover all, and I trust more than all, of that excess.

Taking all these things into consideration—the million already expended, or as good as expended; the steady, though slow, expenditure under Head IV. of the loan for railways, public works, and so forth; and this heavy, though temporary, outlay in respect of the three million grant, which is debitable to Head III. of the loan—we must reckon that, in the course of the year, unless and until the remaining five millions of the loan can be issued, we shall have to increase our temporary borrowings to a considerable extent. I will not attempt to predict to what extent. There are so many elements of uncertainty in the case, so much depends upon what the Council itself may decide with regard to a number of points affecting loan expenditure, that it would be the merest quackery for me to pretend to make an exact forecast. All that can be done, and this has been done, is to provide in the estimates for an amount sufficient to cover any charge which may be reasonably expected on this score during the coming year. The sum so provided is £100,000.

Of course, if the extra five millions are raised early in the year, this sum will go to pay the first half-year's interest on them. If not, it will, I feel confident, be sufficient to cover any interest which may be required for short loans.

Before leaving the subject of the Guaranteed Loan, I may say that a table has been prepared, and will be in the hands of members almost immediately, which will show the whole position—the original allocation of the thirty-five millions; the present allocation, after the transfers sanctioned by Council; and the actual and estimated expenditure, under each head, up to the end of the present year. This will make the matter much clearer than I could possibly make it in a speech, without being unbearably prolix.

I now pass to the estimates for Constabulary, the form of which needs some explanation. The sum voted by the Council last July was £1,520,000 for a strength of 6,000 men. As a matter of fact, it was decided, in the course of the year, to let the force dwindle automatically, first to 5,500, and then to 5,000, its present recognised strength. Now the present estimates provide, in detail, for the pay, rations, forage, &c., of 5,000 men, and on that basis they reach the figure of £1,305,000, or, after deducting appropriations in aid amounting to £55,000, £1,250,000. It is obvious that, in the detailed votes, we are obliged to make provision for the full pay, &c., of the full number we actually have. But there are a great many changes, either already in progress or shortly to be introduced, which will lead to a reduction under almost every head of this vote, though it is totally impossible to forecast the exact effect of them in detail. The principle is that we do not reduce our establishment or upset the organisation of the force, or cut down men's pay and so create grievances. But vacancies are constantly occurring in all ranks, and in many cases, where a highly paid man drops out, he can, and will, be replaced by a less highly paid man. Similarly, there are certain posts, which, as they become vacant, can, in future, be altogether dispensed with. One way and another, we can reckon on very large economies, and we are confident that we do not over-estimate them when we put down these "savings which cannot be allocated" at £140,000, thus reducing the sum which the Council is asked to vote to £1,110,000. Indeed, I think this saving will, in practice, be larger still, but it is only right to ask for the full amount that may be required while constantly striving to reduce it.

Let me recapitulate, in precise figures, this estimate of inter-Colonial expenditure:—

Debt charge	... £1,307,500
Constabulary	... 1,110,300
Minor items	... 82,103
Total	... £2,499,903

Or just £97 short of £2,500,000.

Towards this total estimated expenditure of £2,500,000, the Council has an estimated revenue, directly payable to itself, of £1,270,000 from railways and £50,000 from interest on advances made out of guaranteed loan funds. The latter item needs no comment. As regards the railway revenue, the Members of Council are aware, from the Report of the Railway Committee already placed in their hands, how the figure of £1,270,000 has been arrived at. The Railway Committee have estimated the gross receipts of the railways for 1904-5 at £4,650,000, or about £100,000 less than in 1903-4, and the net receipts at £1,520,000, or about £40,000 less. You may ask me how I arrive at that latter figure, seeing that the net receipts for the railways for 1903-4 have been estimated by me at £1,380,000. But you must remember that the net receipts of the first six months were unduly reduced by a sum of about £180,000 properly debitable to the year 1902-3, but not brought to account till the first half of the present year. The true net receipts of 1903-4 are not £1,380,000, but £1,560,000.

But of these estimated net receipts for 1904-5 of £1,520,000, only £1,270,000 will, if the proposals of the Railway Committee are accepted, be available to meet current expenditure. The balance, £250,000, it is proposed to devote to the further improvement of the railways. Seeing that we have already devoted nearly

£1,300,000 out of revenue to capital expenditure on the railways, besides giving up nearly a million a year in rates, this may seem rather a tall order. Whatever may be said of us, it cannot be said that we are starving the lines or sacrificing the interests of those who may come after us in order to help ourselves out of an immediate difficulty. But, on this point, I am in entire agreement with the Railway Committee. However much I might have welcomed any additional revenue from railways at this particular juncture, when it is so hard to make both ends meet, I recognise the prudence of setting aside a substantial amount out of the railway revenue of every year for betterment. Undoubtedly it is sound finance.

The estimated expenditure for the Council being £2,500,000 and the estimated receipts, directly payable to the Council and available to meet current expenditure, being £1,320,000, we have to call upon the two Colonies to supply the balance, viz., £1,180,000. As you are aware, the Order in Council provides that, unless the Secretary of State decides otherwise, the contribution of the two Colonies to the expenses of the Inter-Colonial Council in any given year shall be in proportion to their respective Customs receipts for the preceding year. Until, therefore, we know exactly what these Customs receipts have been for 1903-4, we cannot allocate the contribution of £1,180,000 between the two Colonies. The proportion of the contribution to be borne by the Orange River Colony will be somewhat larger in 1904-5 than it is in 1903-4. In the present year that proportion is, roughly, as 2 to 15. But the Customs receipts of the Orange River Colony have, to use the language of the market, experienced a considerable boom during the past twelve months. For present purposes, I have no doubt the Colonial Treasurer of the Orange River Colony wishes that they had been a little less lively. To judge from present appearances, the proportion of the Orange River Colony for 1904-5 will be as 2 to 11, and, speaking very broadly, the Transvaal will have to find about one million of the required contribution and the Orange River Colony the rest. As regards the Transvaal, I understand that the estimates of revenue and expenditure will allow of provision being made for that million and still show a small balance. In the Orange River Colony, the position is less favourable, and the Colonial Treasurer may have to dip into balances to some extent to make up his full share of the contribution. If that sounds depressing to Members from the Orange River Colony, I may remind them that, at the Ordinary Meeting of Council in July last, I was advised to make a similar unfavourable forecast. But, as a matter of fact, instead of having to dip into balances to make up his share of the contribution for 1903-4, the Treasurer of the Orange River Colony will, after paying his contribution, have a surplus of some £100,000 to augment those balances. One thing is certain, and that is, that any diminution of his balances for 1904-5 will not reach the amount by which they have been augmented during 1903-4.

That finishes all I have to say about the budgets of the Council both for the present and the coming year. The position we anticipate for next year is similar in character to that which we occupy to-day. It is a position of equilibrium—with revenue just sufficient to cover expenditure, and no more. Unlike some of our fellow sufferers, we have no deficit to provide for. There is no taxation to be imposed. But, on the other hand, there is nothing to spare.

Observe, however, that the anticipation of a continuance of this mere equilibrium rests upon an estimate of our future income, which is extremely cautious. Both as regard the revenues of the two Colonies and that of this Council, we are assuming that 1904-5 will be rather a worse year than 1903-4. Putting everything together, you will note that in 1903-4 we are practically certain to get—

Transvaal	£4,430,000
Orange River Colony	860,000
Inter-Colonial Council	1,640,000
Total	£6,930,000

For 1904-5, we only reckon to get—

Transvaal	£4,240,000
Orange River Colony	760,000
Inter-Colonial Council	1,320,000
Total	£6,320,000

To this latter sum I ought, however, in order to make the comparison quite fair, to add the £250,000, which we propose to set aside, out of railway revenue, for purposes of betterment. Allowing for this, our consolidated revenue for 1904-5 is estimated at £6,570,000, as against £6,930,000 last year. As an incorrigible optimist, I cannot help thinking that that is a little unsanguine. My own view is that we are on the verge of recovery. I know recovery will be very slow. I am also perfectly aware that revenue will be the last to feel the effects of it. Under these circumstances, I recognise the necessity of erring, if we must err at all, on the side of prudence. Still, I cannot help cherishing the hope—no offence in a hope—that we shall do a little better than we anticipate.

The Agenda Paper shows that there are matters of great importance coming before the Council other than those purely financial subjects with which I have just dealt. These matters are all connected with the great problem of the railways. They are questions of railway policy and railway administration.

In this connection, a word must be said about proposals, which have excited a good deal of public interest quite recently, for what has been described as railway federation. I should like to make the present position in that matter clear, although, in doing so, I must disappoint those people who have been looking for sensational developments.

The two self-governing Colonies, Natal and Cape Colony, are agreed in desiring a Conference, consisting of both official and non-official representatives, representing their respective railway systems, and similar representatives for the Central South African Railway system, to consider the question of the joint management of the three systems.

To this proposal I have agreed, on the distinct understanding—which, indeed, the two Governments themselves desired—that the functions of the Conference should be purely deliberative, and that its recommendations, if any, should not be binding on any of the parties to the Conference. It is quite evident, even if that reservation had not been expressly made, that no arrangement for amalgamated working could be established without the consent of the Parliaments of Natal and the Cape Colony, and of this Council.

That being the case, I conceive that the Conference itself, like any Conference which brings representative South Africans together for the discussion of their mutual interests and the possibility of closer co-operation, can only be welcomed by right-minded men. For my own part, I feel that nothing but good can come of it, though I fully recognise the complex nature of the problems and the many difficulties in the way of amalgamation, and should not be in the least surprised, though no doubt somewhat disappointed, if it turned out that the first discussion of the matter led to no agreement. What it must lead to, and that in itself will be a great advantage, is the placing of this big problem—in all its aspects, the advantages to be gained by amalgamation, and at the same time the extent of the mutual concessions which it involves—in a clear light before the eyes of the public. At present the discussion of it is absolutely chaotic. The most elementary facts are in dispute. Each party sees only its own side of the question. Even where there exists the disposition, there does not exist the material which would enable men to judge it as a whole. The Conference may not produce agreement, but it must promote enlightenment, and that in itself is a great step forward.

I should add that the Conference will be a completely open one. The question to be put to the Conference will practically be no other than this:—"Can we work together, and, if so, in what manner, and on what terms?" As regards the date of the meeting, nothing is yet decided. There is a general desire that it should be an early date, but there are practical difficulties which make a meeting for the next two months at any rate impossible.

Railway amalgamation, should it come about, would profoundly affect the work, and might, indeed, involve a change in the constitution of this Council. But, in

the meantime, there is no reason why we should apply ourselves with less assiduity to our local railway problems. On the contrary, all the more reason; for it is evident, that the better our system is the stronger will be our position in entering into anything like a railway union. And that brings me back to the consideration of the business immediately before us. There are two subjects on the Agenda Paper, which practically go to the root of railway policy and railway administration. The first of these is the consideration of the demands, continually pouring in upon us, for more local lines, and of the means of financing such of them as we may desire to satisfy. It is proposed, and I hope the proposal will meet with the approval of this Council, to refer all these schemes, in the first instance, to a Committee. I may say that, having regard both to the enlargement of the Council and to the nature of most of the questions coming before it, which are not high politics but business, I believe we shall find it necessary to do more work through Committees than has hitherto been the case. There are many matters which it is both time-wasting and inconvenient to discuss in full Council before they have been threshed out by a Committee.

Now this Committee on railway extension, if it comes into existence, will, I hope, take a broad view of its functions, and, instead of confining itself to discussing the pros and cons of each particular line, will try to help the Council to evolve a policy with regard to railway extension generally. The last thing I should dream of doing would be to attempt to lay down the lines of that policy myself. The Order of His Majesty in Council of the 20th May, 1903, which called this Council into existence, declared its functions to be *inter alia* to "advise the High Commissioner about the financial administration of the Central South African Railways"—and I want all the advice I can get—as well as "with the consent of the Secretary of State, to authorise the construction of any railway in the Transvaal or Orange River Colony, either out of public funds lawfully available for such purpose or by private enterprise, and to enter into an agreement for the construction or management of any railway so authorised with a private individual or company." Now, the point which we have reached is one at which it is no longer possible to frame a well-considered judgment with regard to any particular proposal for a new railway without first making up our minds as to the right attitude towards the question of new construction as a whole. It is on that point especially that I look for guidance to the Council, and that I hope the Council will lay down some ruling principles, after the whole subject has been thoroughly discussed by a Committee.

It is not, therefore, with any view to leading the Committee, or the Council—nothing is further from my mind—but simply in order to make clear what the position is, and what the possible alternative courses are, that I will state, frankly, and without prejudice, how the matter presents itself to my mind. We begin to see the end of the funds available for railway construction out of the Guaranteed Loan. These funds may suffice, or very nearly suffice, after the completion of the lines already in progress, to complete the connection between Harrismith and Viljoen's Drift, and to connect the Rand with the rich agricultural districts of the Western Transvaal. But even if this is done, and even if the agreement with the De Beers Company for connecting Klerksdorp with Fourteen Streams is satisfactorily completed, there will still be a great extent of country almost totally devoid of means of communication. We shall still not have completely opened up the conquered territory; Lydenburg will still be out in the cold; we shall not have touched the Northern Transvaal; and there are other districts which have a strong claim to consideration.

What is to be done? Some people will say "Nothing." There is, I know, a large body of opinion—I do not wish to under-estimate the strength of it or the reasonableness of the arguments adduced—which is opposed to a forward policy in this matter. It is said we are in danger of throwing away money on lines which will never pay, and that we shall be benefitting the country at the expense of the towns, which already have to bear the chief burden of taxation. Why should industry and commerce make these sacrifices on behalf of agriculture, or the great urban centres come to the support of remote agricultural districts? Well, why

should the heart, with great effort, pump blood to the extremities? We are one body politic. But apart from such, it may be said, sentimental considerations, it is good business, in the long run, to increase your agricultural resources as well as to extend the area of industrial development. Of course, no one in his senses would advocate any and every suggested branch line. But a steady and gradual improvement of the means of communication is, it seems to me, as essential to the welfare of the towns as to the country itself. There are branch lines which may not pay directly, but will pay indirectly, not only by increasing the profitable traffic of the main lines, but by bringing business to the towns—the farmer who is enabled to sell produce, which he now cannot sell, will then be a customer for goods which he now cannot buy—and by cheapening the cost of living. We hear a great deal now-a-days about the necessity of reducing that cost, and certainly it is one of our vital problems.

Many causes, some irremovable, contribute to the dearness of living in our inland towns, and many remedial measures must co-operate before we can greatly reduce it. But after all, one of the chief causes is the comparative unproductiveness of vast areas of the country, some of which, at any rate, are capable of most profitable production. But that reproach can never be removed until there is a great improvement in communications.

No doubt, where any new line of railway is only a development line, only a feeder, and can never form a link in some great chain of communication, there is every reason to construct it in the cheapest possible manner. But it is one thing to argue that such lines ought to be made in the most inexpensive manner, and another to lay it down that, unless there is a direct profit to be got out of them they should not be made at all. After all roads yield no direct profit, yet no civilised country dispenses with them on that account.

Well, then, if we do not want the development of the country by branch lines altogether to stop; if we have not the money to construct them; and if it is inadvisable, even should it be possible, to increase our indebtedness for this purpose; how should we proceed? My own feeling is—and this is a criticism of myself as much as of anyone else—that we have hardly offered to private capital sufficient inducement to come to our assistance. I think the time has come when, taught by experience, we might be a little more liberal in this respect. How would it be, if we were to reconsider the whole situation in this matter, to decide on the lines of the greatest immediate necessity, on the standard of construction which we ought to set for them, and on the inducements which we were prepared to offer, and then to invite capitalists from anywhere to come forward and say at what cost they were prepared to build all, or any of them?

Now that is the first big question with regard to the railways which must occupy your attention. But there is another, which is forced upon us by the report of the Railway Committee, advocating changes in its own constitution. Nobody who has followed the development of this matter can have been surprised by that resolution. I think we all feel, the railway authorities as much as any of us, that we are still far from having the best possible system for the administration of the railways. That that administration shows a progressive improvement I do not think its severest critics will deny. There are fewer accidents, fewer losses, there is greater punctuality, travelling is in all respects more comfortable, and working expenditure is beginning to stand in a reduced, and above all, in an intelligible, proportion to gross receipts. The Stores Department is being put on a sound basis, and we are engaged, with the assistance of the most expert advice, in improving the system of accounts. All these facts seem to me to justify the policy of trying to work out our own salvation, of relying upon the capacity, the energy, and the public spirit, which are at the command of this Council, to gradually put things right, without holding a special inquest to report the existence of defects of which we are perfectly conscious, and which it is much easier to describe than to remove. But, while all these are encouraging features, I trust that we are only at the beginning of improvement and not at the end of it. The organisation is still far from perfect. More than that, there is as yet no general agreement as to the lines on which we should strive

to strengthen it. But the report of the Railway Committee brings the problem up in a form which challenges a solution, and that solution the Council is bound to find.

For my own part, I am not ashamed to confess that I have an open mind on the subject. It has fallen to my lot to do as much constructive work in the last two or three years as falls to the lot of most men in a lifetime, and others have had the fun of criticising it. I am not sorry to find myself, with regard to the question of railway administration, in a position in which I can, with a good conscience, leave it to this Council to do a bit of construction on its own account. We hear a great deal about the shortcomings of officials, of their supposed lack of business ability and experience, and of knowledge of the country. Well, fortunately, we are not all officials here. And if this Council, as at present composed, is deficient in the element of business ability and experience, and, I may add, of long familiarity with the conditions of the country, both industrial and agricultural, I really do not know where in the new Colonies these valuable attributes are to be found.

And now, gentlemen, I think I have touched on the most important of the topics which will be brought before you. As my address has already assumed such lengthy proportions I will abstain from referring to the minor points. It only remains for me to declare this, the second ordinary meeting of this Council, open, and to express the hope, which I do with much confidence, that its deliberations will be of great benefit to both the Colonies here represented, and to the public services specially committed to your charge.

Enclosure 2 in No. 16.

CENTRAL SOUTH AFRICAN RAILWAYS—EXTRACTS FROM BUDGET ESTIMATES FOR FINANCIAL YEAR, 1904–5.

Submitted by the Railway Commissioner at an Extraordinary Meeting of the Railway Committee of Council, held at Johannesburg, on April 27th, 1904, and adopted by the Committee at its Fourth Ordinary Meeting held at Johannesburg, on May 12th, 1904.

Estimated Earnings and Expenditure, 1904–5. Abstract No. 1.

Reference.	Estimated Expenditure.	Budget Estimates, 1903–4, *vide* Statement No. 15.	Actual Expenditure, 1903, *vide* Abstract 3.	Estimated Expenditure, 1904–5, *vide* Abstract 3.	Increase or Decrease on 1903.	Increase or Decrease on 1903–4 Budget.	Estimated Earnings.	Amount.	Reference.
		£	£	£	£	£		£	
Abstract 3	Working Expenditure...	3,397 621	3,434,752	3,124,265	— 310,487	— 273,356	Earnings...	4,650,000	Abstract 2
„	Carriage of Railway Coal and Stores.	50,000	100,044	177,300	+ 77,256	+ 127,300	Carriage of Railway Coal and Stores.	177,300	„
„	Cartage Expenditure ...	120,000	131,067	132,000	+ 933	+ 12,000	Cartage Earnings ...	132,000	„
„	Catering Expenditure ...	—	29,930	108,232	+ 78,302	+ 108,232	Catering Earnings ...	108,232	„
„	New Major Works, Revenue.	53,595	67,141	5,000	— 62,141	— 48,595			
		£3,621,216	£3,762,934	£3,546,797	— £216,137	— £74,419			
	Balance Estimated Nett Earnings.	—	—	1,520,735*					
				£5,067,532				£5,067,532	

* From the Nett Earnings the Inter-Colonial Council is requested to vote £250,000 for New Capital Works (see Statement 14) leaving balance available for Inter-Colonial Council Revenue, £1,270,735.

NOTE.—Train Mileage, 1903, 9,157,567 Train Miles, Estimated Train Mileage, 1904–5, 8,400,000 Train Miles.

Abstract No. 2.

Abstract of Estimated Earnings, 1904–5.

The actual earnings, excluding cartage, for the calendar year 1903, amounted to £5,374,734.

The actual earnings, excluding cartage, for the half year ended 31st December, 1903, were as follows :—

—	Amount.
	£
Passengers	599,126
Parcels	61,587
Goods and Minerals	1,743,693
Live Stock	74,234
Miscellaneous	61,575
Total for Half Year	£2,540,215

Estimated Earnings, 1904–5.

—	Earnings for half-year ended 31st December, 1903, doubled.	Estimated, 1904–5.	Decrease.
	£	£	£
Passengers	1,198,252	1,140,000	58,252
Parcels	123,174	120,000	3,174
Goods and Minerals	3,487,386	3,150,000	337,386
Live Stock	148,468	120,000	28,468
Miscellaneous	123,150	120,000	3,150
Totals	£5,080,430	£4,650,000	£430,430
Carriage on Railway Coal and Stores	—	177,300	—
Cartage Earnings	—	132,000	—
Catering Earnings	—	108,232	—
Total	...	£5,067,532	—

Reference.	Department.	Budget Estimates, 1903–4, including supplementary appropriations approved by Inter-Col. Council.	Actual Expenditure, 1903.	Estimated Expenditure, 1904–5.	Increase or Decrease on 1903.	Increase or Decrease on 1903–4.	Remarks
Statement No. 1	General Charges :—	£	£	£	£	£	
	Railway Committee	5,148	4,113	—	– 4,113	– 5,148	
	Railway Auditor's Department ...	5,874	3,181	—	– 3,181	– 5,874	
	Railway Purchase Branch ...	—	—	—	—	—	Amalgamated with Stores' Superintendent. (Statement No. 7.)
	Railway Commissioner's Office ...	7,739	7,107	7,256	+ 149	– 483	
	Railway Solicitor's Department ...	8,791	4,603	6,519	+ 1,916	– 2,272	Including Legal Expenses, transferred from "Sundry Charges."
	General Manager's Office	22,090	21,108	21,800	+ 692	– 290	
	Chief Accountant's Department ...	77,645	70,463	82,355	+ 11,892	+ 4,710	
	Native Labour Supt.'s Staff ...	—	—	3,825	+ 3,825	+ 3,825	
	Sundry Charges	127,920	121,689	115,751	– 5,938	– 12,169	Including Sanitary Services, transferred from Medical Department.
	Total, General Charges ...	255,207	232,264	237,506	+ 5,242	– 17,701	
„ „ 2	Traffic Department	969,256	947,366	900,000	– 47,366	– 69,256	Including Telegraph Working, transferred from Telegraph Department.
„ „ 3	Locomotive Department	1,408,043	1,399,795	1,246,573	– 153,222	– 161,470	
„ „ 4	Maintenance Department	583,642	658,842	580,171	– 78,671	– 3,471	
	Carried forward	£3,216,148	£3,238,267	£2,964,250	– £274,017	– £251,898	

Abstract of Estimated Expenditure (Open Lines), 1904–5—continued.

Abstract No. 3.

Reference.	Department.	Budget Estimates, 1903–4, including supplementary appropriations approved by Inter-Col. Council.	Actual Expenditure, 1903.	Estimated Expenditure, 1904–5.	Increase or Decrease on 1903.	Increase or Decrease on 1903–4.	Remarks.
		£	£	£	£	£	
	Brought forward ...	3,216,148	3,238,267	2,964,250	– 274,017	– 251,898	
Statement No. 5	Telegraph Department	35,057	36,708	40,206	+ 3,498	+ 5,149	Excluding Telegraph Working, transferred to Traffic Department.
„ „ 6	Medical „	34,011	38,047	14,731	– 23,316	– 19,280	Excluding Sanitary Services, transferred to Sundry Charges.
„ „ 7	Stores „	92,405	95,845	75,078	– 20,767	– 17,327	Including Purchase Branch, transferred from General Charges.
„ „ 8	Hire of Rolling Stock	20,000	25,885	5,000	– 20,885	– 15,000	
„ „ 9	Superannuation Fund	—	—	25,000	+ 25,000	+ 25,000	
		3,397,621	3,434,752	3,124,265	– 310,487	– 273,356	
„ „ 10	Carriage of Railway Coal	50,000	100,044	127,300	+ 27,256	+ 77,300	
„ „ 10	Carriage of Railway Stores	—	—	50,000	+ 50,000	+ 50,000	
„ „ 11	Cartage Department	120,000	131,067	132,000	+ 933	+ 12,000	
„ „ 12	Catering Department	—	29,930	108,232	+ 78,302	+ 108,232	
„ „ 13	New Major Works, Revenue	53,595	67,141	5,000	– 62,141	– 48,595	1904–5 appropriation represents estimated unexpended balance of 1903–4 Vote of £53,595.
		3,621,216	3,762,934	3,546,797	– 216,137	– 74,419	
„ „ 14	New Capital Works	2,595,390	1,844,391	250,000	– 1,594,391	– 2,345,390	
	Total Estimated Expenditure...	£6,216,606	£5,607,325	£3,796,797	–£1,810,528	–£2,419,809	

Enclosure 3 in No. 16.

INTER-COLONIAL COUNCIL OF THE TRANSVAAL AND ORANGE RIVER COLONY.—EXTRACTS FROM ESTIMATES OF EXPENDITURE FOR THE FINANCIAL YEAR, 1904–5.

Abstract of Estimated Expenditure for the Year 1904–5, showing also the approved Estimates for 1903–4.

Details of Expenditure.	Approved Estimates, 1903–4.		Estimates, 1904–5.		Increase.	Decrease.
	£	£	£	£	£	£
I. Service of Guaranteed Loan.		1,441,042		1,307,500		133,542
II. ADMINISTRATION.						
A. South African Constabulary.	1,520,061		1,110,300			409,761
B. Governor's Establishment.	23,550		19,600			3,950
C. Surveys	25,550		25,000			550
D. Permit Office ...	10,550		9,500			3,150
Transvaal and O.R.C. Enquiry Office.	2,100					
E. Expenses of Council (Salaries &c. and Office Accommodation).	5,000		7,860		2,860	
F. Education Adviser	2,500		2,500			
G. Railway Committee			8,688		8,688	
H. Railway Auditor..			8,955		8,955	
Total... ...		1,589,311		1,192,403		
Grand Total...		3,030,353		2,499,903	20,503	550,953
				Net Decrease		530,450

I.

SERVICE OF GUARANTEED LOAN.

Approved Estimates, 1903–4.

	£
1. Interest and Sinking Fund from May 1st, 1902, to June 30th, 1903	1,433,334
2. Management Charges : £250 for each million	7,708
Total ... ... £	1,441,042

Estimates, 1904–5.

	£
1. Interest and Sinking Fund of issued portion of Guaranteed Loan (£30,000,000)	1,200,000*
2. Management Charges	7,500
3. Estimated Interest on Short Loans in anticipation of issue of balance of Guaranteed Loan.	100,000
Total ... ... £	1,307,500

* COLONIAL OFFICE NOTE.—This sum has been raised to £1,400,000 and the management charges to £8,750. The short loans will not be required in view of the issue of the five millions. See No. 17 in [Cd. 2102].

II.

South African Constabulary.

Abstract of Estimated Expenditure, 1904–5. *Showing also Estimates of Expenditure for* 1903–4.

No. of Sub-Head.	Details of Expenditure.	Approved Estimates, 1903–4.	Estimates 1904–5.
		£	£
A.	Pay and Allowances	829,050	710,089
B.	Rations, Forage, Transport, &c.	511,125	323,487
C.	Clothing and Equipment	82,298	73,693
D.	Stationery	8,000	8,000
E.	Animals and Veterinary	27,344	34,993
F.	Works	74,698	70,223
G.	Medical	58,091	35,508
H.	Recruiting	12,150	7,010
I.	Pensions and Gratuities	6,500	3,500
K.	*Criminal Investigation		11,677
L.	Miscellaneous	38,020	27,120
	Total	1,647,276	1,305,300
	Deduct for 1903–4—		
	Sums chargeable to Grant in Aid...	127,215	
	Deduct for 1904–5—		
	§(*a.*) Appropriation in Aid—£55,000		195,000
	(*b.*) Anticipated Savings which cannot be allocated—£140,000.		
	Amount of Vote	1,520,061	1,110,300

* There was no allowance for Criminal Investigation Personnel in 1903–4 except under Head A. The Criminal Investigation Department is now being organised, and it is found advisable to keep it under a separate head.

§ The Appropriations in Aid, 1903–4, were not shown in last year's Estimates actually as such, but were shown as reductions of votes by sales, &c.

Enclosure 4 in No. 16.

GUARANTEED LOAN.

Approximate Statement.

—	Original Allocation.	Present Allocation in round thousands.	Expenditure up to 31st May, 1904.†		Estimated Expenditure From 31st May, 1904, to 30th June, 1904.		
	£	£	£	£		£	£
I.—PREVIOUS LIABILITIES :—							
A.—Deficit of Transvaal for 1901–2	1,500,000	542,000	541,510			Nil	
B.—Former Debt of South African Republic	2,500,000	2,500,000	2,574,385				
C.—Compensation to Loyalists in Cape Colony and Natal ...	2,000,000	2,000,000	1,589,518			8,600	
				4,705,413		*61,000	
II.—ACQUISITION OF EXISTING RAILWAYS	14,000,000	14,000,000	7,443,629				69,600
			1,336,446		N. Z. A. S. M. Shares	1,550,500	
			2,063,000		Pretoria-Pietersburg Railway ...	1,300	
			981,881		Orange River Colony	—	
			93,417		Rolling Stock	18,119	
					Interest subsequent to 30th June, 1903, and Brokerage, &c. ...	26,000	
III.—REPATRIATION AND COMPENSATION IN THE TRANSVAAL AND ORANGE RIVER COLONY ...	5,000,000	5 000 000		11,918,373			§1,595,919
				5,620,672	Excess of Recoveries over Expenditure	122,000	
IV.—NEW DEVELOPMENT IN THE TRANSVAAL AND ORANGE RIVER COLONY :—							
A.—New Railways	5,000,000	4,416,000	2,003,123				
B.—Land Settlement	3,000,000	3,000,000	1,857,413			468,436	
C.—Other Public Works	2,000,000	2,000,000	766,011			120,000	
						35,000	
D.—Contributions to Capital Expenditure on Open Lines to be included in "Other Public Works"		**1,542,000	1,333,825			80,791	
				£5,960,372			704,227
							2,369,746
	£35,000,000	£35,000,000	—	£28,204,830	Deduct	—	122,000
					—	—	£2,247,746

† Includes payments by Crown Agents to 30th April, 1904, only.

* Estimated further amount payable to Cape Colony. There is a doubt whether it will be paid before 30th June.

§ This is an Estimate of the total further payments chargeable to this Head, and assumes that all the shares of the Netherlands Railway will have to be purchased. It is inserted as a liability for which a definite sum must be specially set aside. It is unlikely that the whole amount will be paid before June 30th, 1904.

** By transfer of £958,000 from Head I. (A) and £584,000 from Head IV. (A).

Enclosure 5 in No. 16.

TRANSVAAL.—LAND SETTLEMENT LOAN FUND.

(Statement showing position of Fund and Balance available for further Expenditure on 31st March, 1904.)

Receipts.	£ s. d.	£ s. d.	Expenditure.	£ s. d.	£ s. d.	£ s. d.
I.—CONTRIBUTION FROM TRANSVAAL AND O.R.C. GUARANTEED LOAN:—			I.—EXPENDITURE TO 31ST MARCH, 1904.			
Treasury Issued	935,124 10 4		(a) *General*:—			
Treasury Undrawn	264,875 9 8		1. Contribution towards Administration Expenses, 1901–3	204,757 10 6		
		1,200,000 0 0	Less Receipts, 1904–5:—			
			Preparatory Camps Produce £703 15 7			
			Miscellaneous 1,985 18 2			
				2,689 13 9		
				202,067 16 9		
			2. Tzaneen Tobacco Estate Expenses, 1903–4	2,711 5 0		
			3. Loss on Stores, 1903–4	176 5 8		
			4. Rent of Willow Park Farm, Zeerust	300 0 0		
					205,255 7 5	
			(b) *Reproductive*:—			
			1. Land Purchases	480,672 6 3		
			2. Irrigation Works, 1901–3	3,594 15 1		
			3. Beginsel Farm Improvements, 1901–3	1,005 8 4		
			4. Buildings, 1901–3	3,664 13 6		
			5. Land Improvements	20,787 18 10		
			6. White River Settlement	2,052 0 10		
					511,777 2 10	
			(c) *Recoverable*:—			
			1. Live Stock and Stores, 1901–4	186,659 3 2		
			2. Sundry Small Loans, 1901–3	978 3 8		
			3. Loans and Advances to Settlers, 1903–4	58,708 11 11		
			4. Bills Receivable	1,448 3 0		
					247,794 1 9	
						964,827 12 0
			II.—ESTIMATE OF AUTHORISED EXPENDITURE REMAINING UNPAID ON 31ST MARCH, 1904.			
			(*a*) Advances to Settlers	76,000 0 0		
			Less certain Expenditure under 1B. (5) Lands Improvements to be charged to Settlers for erection of Cottages	10,000 0 0		
					66,000 0 0	
			(*b*) Land Purchases (awaiting Transfer)		20,000 0 0	
			(*c*) Rustenburg Horse Farms (additional charge by the Repatriation Department)		10,000 0 0	
			(*d*) Tzaneen Tobacco Estate:—			
			General Expenses, 1903–4 Balance	3,000 0 0		
			Improvements, 1904–5	8,000 0 0		
					11,000 0 0	
						107,000 0 0
			III.—BALANCE AVAILABLE			128,173 8 0
TOTAL	£1,200,000 0 0		TOTAL			£1,200,000 0 0

NOTE.—Included in the £964,827 12*s.* 0*d.* Expenditure to 31st March, 1904, and charged to the correct respective headings, is the Repatriation Department's original account of £176,201 9*s.* 3*d.*, of which £121,088 17*s.* 5*d.* has been paid during the period from 1st July, 1903, to 31st March, 1904, leaving a balance of £48,112 11*s.* 10*d.* still to be settled.

No. 17.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 8.30 p.m., June 25, 1904.)

TELEGRAM.

June 25. No. 4. My telegram, 22nd June, No. 3.* You have no doubt been informed that there are several current theories as to causation of beri-beri. They are that disease is caused by excess of rice in dietary or by uncured rice, that it is an infectious communicable disease, that it is a disease depending on a locally manufactured poison. The practicable measures indicated are, accordingly, isolation of cases and elimination of uncured rice from dietary, restriction of amount of rice and substitution of other articles of food. Housing and feeding conditions of coolies at port of shipment need to be carefully watched. Your medical advisers have doubtless considered what precautions in the direction of isolation and disinfection can be taken to prevent spread of disease.

No. 18.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 2.35 p.m., June 27, 1904.)

TELEGRAM.

June 27. No. 1. Am anxious for reply to my telegrams of 22nd June, No. 3, and 25th June, No. 4.† Matter is attracting considerable attention in Parliament.

No. 19.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 6.35 p.m., June 28, 1904.)

TELEGRAM.

June 28. No. 2. Your telegram of 22nd June, No. 3.* "Tweeddale" arrived with forty cases of beri-beri. Three deaths took place at sea from this cause and five at Durban. Remaining cases were sent back to China at once in "Tweeddale." Since arrival of labourers on Rand twenty-five cases have occurred and one death from heart failure. All remaining cases isolated in lazaretto and likely to recover.

Neither medical officers nor labourers themselves have smallest anxiety about this outbreak, and former express opinion that general health of this batch is surprisingly good.

Full report on arrival, landing, and despatch of coolies will go to you by next mail, and I will keep you fully informed as to their health.

No. 20.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.55 p.m., June 30, 1904.)

TELEGRAM.

June 30. No. 4. I am much obliged for suggestions of your telegram of 25th June, No. 4.‡ All cases of beri-beri have been isolated, and rice eliminated from dietary. My medical advisers are watching outbreak very closely, and are quite satisfied with arrangements made.

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* No. 15. † Nos. 15 and 17. ‡ No. 17.

No. 21.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 8.25 p.m., June 30, 1904.)

TELEGRAM.

June 30. No. 5. My telegram of to-day, No. 4.* Dr. Turner, Medical Officer of Health of Transvaal, Mr. Evans, Superintendent of Asiatics, and Dr. Miller, District Surgeon, have just returned from their inspection of the compounds on the East Rand on which Chinese labourers are. They report 30 cases beri-beri, all of which are doing well. They occupy an isolated hospital, and I am assured that there is not the slightest cause for anxiety.

No. 22.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received July 2, 1904.)

SIR, Governor's Office, Johannesburg, June 13, 1904.

I HAVE the honour to acknowledge the receipt of your despatch of the 14th May,† and to transmit to you in reply, a copy of a Memorandum prepared in the Department of Native Affairs to show the total number of deaths which occurred in the year 1903 among native labourers employed in the Transvaal mines.

I have, &c.,

MILNER,
Governor.

Enclosure in No. 22.

MEMORANDUM.

Statements are attached showing:—

Statement A.

The number of deaths from all causes among natives employed on mines in all labour districts of the Transvaal, as recorded by the Native Affairs Department during the year 1903.

Statement B.

The number of deaths from all causes among natives employed on mines in the Witwatersrand district (including the districts of Johannesburg, Krugersdorp, Germiston, Boksburg, and Springs), as recorded by the Native Affairs Department during the year 1903.

Statement C.

The number of deaths due to natural causes among coloured persons employed on mines outside the Witwatersrand area during the period July to December, 1903, as recorded by the Government Mining Engineer.

The number of deaths from accidents among coloured persons employed in districts outside the Witwatersrand area, as recorded by the Government Mining Engineer for the calendar year 1903, was 44. The total number of deaths recorded from all causes among coloured persons in those districts was, therefore, 361.

It will be observed that while this Department records the deaths among *natives* only, the returns of the Government Mining Engineer include those of all coloured persons.

No return of deaths from natural causes among coloured persons employed on mines outside the Witwatersrand area are available prior to July, 1903.

A. M. PRITCHARD,
Pass Commissioner.

Native Affairs Department,
Johannesburg, June 11, 1904.

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* No. 20.
† Not printed. For previous correspondence see [H. of C., 205] June, 1904, and Cd. 2025.

A.

STATEMENT showing number of deaths from all causes recorded by the Native Affairs Department among Natives on Mines in all Labour Districts, during the year 1903.

January	253
February	207
March	235
April	269
May	431
June	492
July	628
August	486
September	428
October	417
November	498
December	490
	4,834

B.

STATEMENT showing number of deaths from all causes recorded by the Native Affairs Department among Natives on mines in the Witwatersrand Area, during the year 1903.

January	253
February	207
March	235
April	269
May	431
June	492
July	625
August	480
September	415
October	399
November	488
December	483
	4,777

C.

STATEMENT showing number of Deaths due to Natural Causes among Coloured Persons employed on Mines outside the Witwatersrand Area during the period July to December, 1903, as recorded by the Government Mining Engineer.

July	53
August	44
September	55
October	60
November	57
December	48
	317
Deaths among coloured persons due to accidents during calendar year 1903	44
Grand total	361

APPENDIX.

AGREEMENT FOR A "MODUS VIVENDI" MADE BETWEEN HIS EXCELLENCY THE HIGH COMMISSIONER FOR SOUTH AFRICA AND HIS EXCELLENCY THE GOVERNOR-GENERAL OF MOZAMBIQUE, DECEMBER 18TH, 1901.

The undersigned, Lord Milner, His Britannic Majesty's High Commissioner for South Africa, &c., represented by His Britannic Majesty's Consul-General at Lourenço Marques, Captain F. H. E. Crowe, Royal Navy, and Manoel Raphael Gorjao, Privy Counsellor to His Most Faithful Majesty, The King of Portugal, Brigadier-General, Governor-General of the Province of Mozambique, &c., &c., having recognised that, pending the conclusion of an agreement relative to the Province of Mozambique and the neighbouring British Territories, it is indispensable that the terms of a *modus vivendi* should be established: and in particular that the *status quo ante bellum* should be as far as possible re-established between the Province of Mozambique and the Transvaal, have together arranged the following:—

ARTICLE I.

The engagement of native labourers from the Province of Mozambique for the Transvaal and Rhodesia, shall be established from now, and shall be allowed by the Government-General of the said Province while the present *modus vivendi* is in force or until the said *modus vivendi* shall be denounced by one of the parties in conformity with the terms of Article 13.

ARTICLE II.

The said engagement of native labourers shall be made in conformity with the procedure set forth in the Provincial Regulation of the Eighteenth of November, One Thousand Eight Hundred and Ninety-Seven, subject to such modifications as may be agreed on between the parties now or hereafter:—The collectors of labour to be accepted by both parties and to be subject as regards the collecting of labourers in Portuguese Territory, not only to the laws and regulations in force in the Province of Mozambique, but also to those that may be promulgated in the future. It is understood that the guarantee deposit and licence which the collectors have to pay will not be higher than those set forth in the said Regulation of the Eighteenth of November, One Thousand Eight Hundred and Ninety-Seven.

ARTICLE III.

The Curator's Office for natives from the Province of Mozambique is re-established in Johannesburg in the terms of the Regulation of the Eighteenth of November, One Thousand Eight Hundred and Ninety-Seven, save for the modifications which may be adopted by agreement between the two parties. It is understood that the powers and duties of the Curator are only similar to those of a Consular officer.

The Transvaal Government will give to the Curator every facility and assistance in its power and in particular facilities will be given to ensure as far as possible that the names of all natives immigrating from Portuguese Territory and their places of employment are registered in the Curator's Office.

ARTICLE IV.

The combined tariffs and classification of goods on the Lourenço Marques-Ressano Garcia and Ressano Garcia-Johannesburg lines, which were in force before the war, shall be re-established, and shall be in force as long as this *modus vivendi* shall exist, save for the modifications which may be made by agreement between the two parties. It is understood that should the tariffs or classification of goods be modified on the lines from Durban, East London, Port Elizabeth and Cape Town to the Transvaal, during the existence of the *modus vivendi*, the classification and tariffs on the Lourenco Marques-Johannesburg line shall be equally modified in proportion and in such a manner as to preserve the relation which existed between the tariffs prior to the war.

ARTICLE V.

Upon the commencement of immigration the civil traffic from the Portuguese frontier into the Transvaal will be allotted such a number of trucks as the Director of the Imperial Military Railways is able to allot to the said civil traffic without prejudice to the indispensable military traffic. It is also understood that the civil traffic above mentioned will be regulated on the same principles, and in equally favourable manner, as the civil traffic coming from the Cape and Natal.

ARTICLE VI.

For the expenses of fiscalization, passports, contracts, registration, &c., &c., the Government-General shall receive during the period of the *modus vivendi* for every immigrated native who is passed by a Transvaal Government Official at the border, or at such place as may be agreed on between the parties, the sum of thirteen shillings (13s.). This sum will cover all expenses and no other amount will be charged, with the exception of a fee on re-engagement, as specified in Article 9.

ARTICLE VII.

It is agreed that the Government-General of the Province of Mozambique and the Directorate of the Lourenço Marques Railway will grant to the Imperial Military Railways equal treatment, in all respects, and will concede the same privileges, as were conceded to the Netherlands Railway Company, with the exception of the military and hospital trains, to which there will be given a special rebate, according to the arrangement made on December the 11th, one thousand nine hundred and one, with the Director of the Imperial Military Railways, which is hereby sanctioned during the continuance of the *modus vivendi*.

ARTICLE VIII.

The railway charges for immigrated natives returning to the Portuguese frontier shall be equally favourable with the railway charges made for the conveyance of immigrating natives from the Portuguese Frontier into the Transvaal.

ARTICLE IX.

The contracts of employment of immigrating natives shall be made in the first place for not more than one year. The Transvaal Government undertakes that natives will be given their discharge at the expiration of the period of contract and that no pressure shall be put on them to them to renew their contracts. Should a native renew his contract voluntarily at the end of the year either with the same or with another employer, the Portuguese Authorities shall be entitled to receive a further fee at the rate of sixpence (6d.) per month for the period of the new contract.

ARTICLE X.

The provisions of the Treaty of the 11th of December, One Thousand Eight Hundred and Seventy-five, will be observed by the Transvaal Colony and reciprocally by the Portuguese Authorities.*

But notwithstanding anything to the contrary in the aforesaid provisions, alcoholic liquors manufactured in the Province of Mozambique may be subjected on entering the Transvaal to the same duties as, but no greater than, the duties imposed on similar alcoholic liquors manufactured in the Cape Colony and Natal.

Reciprocally alcoholic liquors manufactured in the Transvaal may be subjected to the same duties on entering the Province of Mozambique.

It is also to be understood that nothing in the above-mentioned Treaty shall be held to prevent the entry of the Transvaal or of the Province of Mozambique or of both into the South African Customs Union, should such entry take place during the continuance of the *modus vivendi*.

ARTICLE XI.

During the existence of the *modus vivendi*, goods sent in transit from Lourenço Marques on entering the Transvaal shall have equal treatment with, and shall pay no higher customs duties than, the same class of goods sent in transit from Durban, East London, Port Elizabeth, and Cape Town.

ARTICLE XII.

The Transvaal Government will use its best endeavours to discourage and prevent the clandestine immigration of Natives from Portuguese Territory.

ARTICLE XIII.

The present *modus vivendi* shall be in force until the conclusion of a definite Convention. It can, however, be determined by either of the parties by means of one year's notice. As soon as the *modus vivendi* is denounced by either of the parties, the engagement of natives in the Province of Mozambique will be *ipso facto* suspended.

Done at Lourenço Marques this Eighteenth day of December, in the year of Our Lord One Thousand Nine Hundred and One.

(Signed) MANOEL R. GORJAO, G.G.
„ FRITZ H. E. CROWE,

For and on behalf of His Excellency the High Commissioner for South Africa.

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* Printed in [C. 3410].

COLONIES—IMMIGRATION.

PAPERS

RELATIVE TO THE

LAWS AND REGULATIONS IN FORCE

IN THE

COLONIES UNDER RESPONSIBLE GOVERNMENT

RESPECTING THE

ADMISSION OF IMMIGRANTS.

Presented to both Houses of Parliament by Command of His Majesty.
July, 1904.

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COLONIES—IMMIGRATION.

PAPERS

RELATIVE TO THE

LAWS AND REGULATIONS IN FORCE

IN THE

COLONIES UNDER RESPONSIBLE GOVERNMENT

RESPECTING THE

ADMISSION OF IMMIGRANTS.

No. 1.

NEWFOUNDLAND.

GOVERNOR SIR C. BOYLE to MR. LYTTELTON.

(Received May 6, 1904.)

TELEGRAM.

Referring to your telegram of 4th May,* Law Officers advise that there is not any special legislation here in relation to immigration, nor any regulations in force except in so far as Chapter 137 of the Consolidated Statutes, second series, may affect the same.

Annexure to No. 1.

NEWFOUNDLAND CONSOLIDATED STATUTES.

Second Series.

CHAPTER 137. OF THE DISEMBARKING OF PAUPERS.

SECTION 1. MASTER OF VESSEL LANDING PAUPERS, &C., IN THIS COLONY LIABLE TO FINE.

1. Any master of a vessel or other person who shall disembark in any place in this Colony or its dependencies any person who, at the time of such landing shall from sickness, age, infirmity, or want of means of support become, or be likely to become, chargeable to the Colony, shall be subject to a penalty of One hundred dollars, to be recovered in a summary manner with costs before a Stipendiary Justice, in an action to be brought in the name of and by the Stipendiary Commissioner of the Poor, and paid over to the Receiver-General for the use of the Colony; and in default of payment, such master or other person may be imprisoned for a period not exceeding three months. No conviction under this chapter shall be removable by certiorari or otherwise.

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* Not printed—asking for the information given here.

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No. 2.

AUSTRALIA.

[Note.—*This Act and the Regulations were received from the Governor-General in a despatch dated May* 11, 1904]

(A.)

THE COMMONWEALTH OF AUSTRALIA.

No. 17 of 1901.

AN ACT to place certain restrictions on Immigration and to provide for the removal from the Commonwealth of prohibited Immigrants.

[Assented to 23rd December, 1901.]

Be it enacted by the King's Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows:—

Short title.

1. This Act may be cited as the "Immigration Restriction Act, 1901."

Definition.

2. In this Act, unless the contrary intention appears,—
"Officer" means any officer appointed under this Act, or any Officer of Customs;
"The Minister" means the Minister for External Affairs.

Prohibited immigrants. See Natal Act 1897, No. 1, s. 3. W.A. 1897, No. 13, s. 2. N.S.W. 1898, No. 3, s. 3.

3. The immigration into the Commonwealth of the persons described in any of the following paragraphs of this section (hereinafter called "prohibited immigrants") is prohibited, namely:—

(*a*) Any person who when asked to do so by an officer fails to write out at dictation and sign in the presence of the officer a passage of fifty words in length in an European language directed by the officer;

(*b*) any person likely in the opinion of the Minister or of an officer to become a charge upon the public or upon any public or charitable institution;

(*c*) any idiot or insane person;

(*d*) any person suffering from an infectious or contagious disease of a loathsome or dangerous character;

(*e*) any person who has within three years been convicted of an offence, not being a mere political offence, and has been sentenced to imprisonment for one year or longer therefor, and has not received a pardon;

(*f*) any prostitute or person living on the prostitution of others;

(*g*) any persons under a contract or agreement to perform manual labour within the Commonwealth: Provided that this paragraph shall not apply to workmen exempted by the Minister for special skill required in Australia or to persons under contract or agreement to serve as part of the crew of a vessel engaged in the coasting trade in Australian waters if the rates of wages specified therein are not lower than the rates ruling in the Commonwealth.

Exemptions.

But the following are excepted:—

Natal ib. s. 2; W.A. ib. s. 2; N.S.W. ib. s. 2.

(*h*) any person possessed of a certificate of exemption in force for the time being in the form in the Schedule, signed by the Minister or by any officer appointed under this Act whether within or without the Commonwealth;

(*i*) members of the King's regular land or sea forces;

(*j*) the master and crew of any public vessel of any Government;

See Vict. No. 1073, s. 8.

(*k*) the master and crew of any other vessel landing during the stay of the vessel in any port in the Commonwealth: Provided that the master shall upon being so required by any officer, and before being permitted to clear out from or leave the port, muster the crew in the presence of an officer; and if it is found that any person, who according to the vessel's articles was one of the crew when she arrived at the port, and who would in the opinion of the officer be a prohibited immigrant but for the exception contained in this paragraph, is not present, then such person shall not be excepted by this paragraph, and until the contrary is proved shall be deemed to be a prohibited immigrant and to have entered the Commonwealth contrary to this Act;

(*l*) any person duly accredited to the Government of the Commonwealth by the Imperial or any other Government or sent by any Government on any special mission;

Suspended, see Proclamation herewith.

(*m*) a wife accompanying her husband if he is not a prohibited immigrant, and all children apparently under the age of eighteen years accompanying their father or mother if the father or mother is not a prohibited immigrant; but so that the exceptions in this paragraph shall not apply if suspended by proclamation; and such suspension may be of general application or limited to any cases or class of cases;

N.S.W. ib. s. 6.

(*n*) any person who satisfies an officer that he has formerly been domiciled in the Commonwealth or in any colony which has become a State.

Certificates of exemption.

4. A certificate of exemption shall be expressed to be in force for a specified period only, and may at any time be cancelled by the Minister by writing under his hand.

Upon the expiration or cancellation of any such certificate, the person named therein may, if found within the Commonwealth, be treated as a prohibited immigrant offending against this Act:

Provided that in the case of a person entering the Commonwealth from any vessel under this section no penalty shall attach to the vessel or its master owners or charterers.

Immigrants evading the officers or found within the Commonwealth.

5.—(1) Any immigrant who evades an officer or who enters the Commonwealth at any place where no officer is stationed may if at any time thereafter he is found within the Commonwealth be asked to comply with the requirements of paragraph (*a*) of section three, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act.

(2) Any immigrant may at any time within one year after he has entered the Commonwealth be asked to comply with the requirements of paragraph (*a*) of section three, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act.

Entry permitted on certain conditions. See Natal ib. s. 5; W.A. ib. s. 5; N.S.W. ib. s. 5.

6. Any prohibited immigrant within the meaning of paragraph (*a*) only of section three may if thought fit by an officer be allowed to enter the Commonwealth or to remain within the Commonwealth upon the following conditions:—

(*a*) He shall on entering the Commonwealth or on failing to comply with the requirements of that paragraph deposit with an officer the sum of One hundred pounds.

(*b*) He shall within thirty days after depositing such sum obtain from the Minister a certificate of exemption in the form of the Schedule, or depart from the Commonwealth, and thereupon the deposit shall be returned; but otherwise the deposit or any part thereof may be forfeited and he may be treated as a prohibited immigrant offending against this Act.

Provided that in the case of a person entering the Commonwealth from any vessel under this section no penalty shall attach to the vessel or its master owners or charterers.

Unlawful entry of prohibited immigrants. See Natal ib. s. 4; W.A. ib. s. 4; N.S.W. ib. s. 4.

7. Every prohibited immigrant entering or found within the Commonwealth in contravention or evasion of this Act shall be guilty of an offence against this Act, and shall be liable upon summary conviction to imprisonment for not more than six months, and in addition to or substitution for such imprisonment shall be liable pursuant to any order of the Minister to be deported from the Commonwealth.

Provided that the imprisonment shall cease for the purpose of deportation, or if the offender finds two approved sureties each in the sum of Fifty pounds for his leaving the Commonwealth within one month.

Certain persons may be deported.

8. Any person who is not a British subject either natural-born or naturalized under a law of the United Kingdom or of the Commonwealth or of a State, and who is convicted of any crime of violence against the person, shall be liable, upon the expiration of any term of imprisonment imposed on him therefor, to be required to write out at dictation and sign in the presence of an officer a passage of fifty words in length in an European language directed by the officer, and if he fails to do so shall be deemed to be a prohibited immigrant and shall be deported from the Commonwealth pursuant to any order of the Minister.

Penalty on masters and owners of ships.

9. The master, owners, and charterers of any vessel from which any prohibited immigrant enters the Commonwealth contrary to this Act shall be jointly and severally liable to a penalty not exceeding One hundred pounds for each prohibited immigrant so entering the Commonwealth.

Natal ib. s. 8; W.A. ib. s. 8; N.S.W. ib. s. 8.

Provided that in the case of an immigrant of European race or descent no penalty shall be imposed under this section on any master owner or charterer who proves to the satisfaction of the Court that he had no knowledge of the immigrant being landed contrary to this Act, and that he took all reasonable precautions to prevent it.

Detention of vessel. See Vict. No. 1073, s. 14.

10.—(1) The Minister, or any Collector of Customs specially empowered by him, may by writing under his hand authorise any officer to detain any vessel from which any prohibited immigrant has, in the opinion of the officer, entered the Commonwealth contrary to this Act; and the vessel may then be detained either at the place where she is found, or at any place to which the Minister or Collector may order her to be brought. The Minister or such Collector shall forthwith give notice to the owner or agent of the vessel of the detention of such vessel.

Powers of detaining officer.

(2) For the purposes of the detention and other lawful dealing with the vessel the officer so authorised shall be entitled to obtain such writ of assistance or other aid as is provided under any law relating to the Customs with respect to the seizure of vessels or goods.

Detention to cease if bond given.

(3) The detention shall be for safe custody only, and shall cease if a bond with two sufficient sureties to the satisfaction of the Minister or the collector be given by the master owners or charterers of the vessel for the payment of any penalty which may be adjudged under this Act to be paid for the offence or default.

Sale of vessel on default.

(4) If default is made in payment of any such penalty, the officer may seize the vessel; and the like proceedings shall thereupon be taken for forfeiting and condemning the vessel as in the case of a vessel seized for breach of any law relating to the Customs, and the vessel shall be sold.

Application of proceeds.

(5) The proceeds of the sale shall be applied first in payment of the penalty and of all costs incurred in and about the sale and the proceedings leading thereto, and the balance shall be paid to the owners of or other persons lawfully entitled to the vessel before condemnation and sale.

Contracts for manual labour—when enforceable.

11. No contract or agreement made with persons without the Commonwealth for such persons to perform manual labour within the Commonwealth whereby such persons become prohibited immigrants within the meaning of paragraph (*g*) of section three shall be enforceable or have any effect.

Assisting persons to contravene Act. See Natal ib. s. 11, N.S.W. ib. s. 10.

12.—(1) Any person who in any way wilfully assists any other person to contravene or attempt to contravene any of the provisions of this Act, or makes or authorizes any contract or agreement the performance of which would be a contravention of this Act, shall be guilty of an offence against this Act.

(2) Any person who makes or authorizes such contract or agreement shall be liable to the Commonwealth for any expense incurred by the Commonwealth in respect of any immigrant prohibited by reason of the contract or agreement.

Bringing idiots or insane persons into the Commonwealth. See Natal ib. s. 13; W.A. ib. s. 13.

13. Any person who is wilfully instrumental in bringing or attempting to bring into the Commonwealth any idiot or insane person contrary to this Act shall, in addition to any other penalty, be liable to the Commonwealth for any expense in respect of the maintenance of the idiot or insane person whilst within the Commonwealth.

Powers to enforce Act. See Natal ib. s. 14; W.A. ib. s. 14; N.S.W. ib. s. 11.

14. Every member of the police force of any State, and every officer, may with any necessary assistance prevent any prohibited immigrant, or person reasonably supposed to be a prohibited immigrant, from entering the Commonwealth, and may take all legal proceedings necessary for the enforcement of this Act.

Appointment of officers. See Natal ib. s. 15. W.A. ib. s. 15; N.S.W. ib. s. 15.

15. Subject to any Act relating to the public service, the Governer-General may appoint officers for carrying out this Act, and may prescribe their duties.

Regulations.

16.—(1) The Governor-General may make regulations for carrying out this Act and for empowering officers to determine whether any person is a prohibited immigrant.

(2) All such regulations shall be notified in the "Gazette," and shall thereupon have the force of law.

(3) All such regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof if the Parliament be then sitting, and if not then within thirty days after the next meeting of the Parliament.

Annual return showing persons refused admission.

17. The Minister shall cause to be made annually a return which shall be laid before Parliament, showing the number of persons refused admission into the Commonwealth on the ground of being prohibited immigrants, the nations to which they belong and whence they came, and the grounds on which admission was refused; the number of persons who passed the test prescribed by paragraph (*a*) of section three, the nations to which they belong and whence they came; the number of persons admitted to the Commonwealth without being asked to pass the test, the nations to which they belong and whence they came.

Penalties.

18. Where no higher penalty is expressly imposed, a person guilty of any offence against this Act, or against any regulation made thereunder, shall be liable on summary conviction to a penalty not exceeding Fifty pounds, and in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

Pacific Island Labourers Acts of Queensland.

19. This Act shall not apply to the immigration of Pacific Island labourers under the provisions of the Pacific Island Labourers Acts, 1880-1892, of the State of Queensland.

Section 3.

SCHEDULE.

COMMONWEALTH OF AUSTRALIA.

Immigration Restriction Act, 1901.

This is to certify that of aged years, a [*insert trade, calling, or other description*] is exempted for a period of from the date hereof from the provisions of the "Immigration Restriction Act, 1901."

Dated at this day of 190 .

Minister for External Affairs.
[*or as the case may be.*]

(B.)

(Gazetted March 27, 1903.)

PROCLAMATION by His Excellency the Right Honourable Hallam Baron Tennyson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor-General and Commander-in-Chief of the Commonwealth of Australia.

Australia to wit.
TENNYSON, Governor-General. (L.S.).

Whereas it is desirable to suspend the exceptions contained in paragraph (*m*) of section 3 of the "Immigration Restriction Act, 1901," subject to the proviso hereinafter contained: Now therefore I, the said Hallam Baron Tennyson, the Governor-General aforesaid, acting with the

advice of the Federal Executive Council, in exercise of the powers conferred upon me by the "Immigration Restriction Act, 1901," do hereby suspend the exceptions contained in paragraph (*m*) of section 3 of that Act as from the date of the publication of this proclamation in the "Gazette": Provided always that the suspension hereby proclaimed shall not apply to any case in which an application for the admission into the Commonwealth of the wife or children of any immigrant, who is not a prohibited immigrant, has been approved by the Minister at any time within four months after the date of the publication of this proclamation in the "Gazette."

Given under my hand and the Great Seal of the Commonwealth of Australia, this twenty-sixth day of March, in the year of our Lord One thousand nine hundred and three, and in the third year of His Majesty's reign.

By His Excellency's Command,
EDMUND BARTON.

GOD SAVE THE KING.

(C.)

[From the "Commonwealth of Australia Gazette" of 3rd January, 1902.]

REGULATIONS UNDER THE IMMIGRATION RESTRICTION ACT, 1901.

Department of External Affairs, Melbourne, 31st December, 1901.

IMMIGRATION RESTRICTION ACT, 1901.

His Excellency the Governor-General in Council has approved that the following Regulations be made under the provisions of section 16 of the "Immigration Restriction Act, 1901," such Regulations to take effect on and from this date.

EDMUND BARTON,
Prime Minister.

REGULATIONS UNDER THE IMMIGRATION RESTRICTION ACT, 1901.

DEFINITION.

1. In these Regulations, "the Act" means the "Immigration Restriction Act, 1901."

POWERS AND DUTIES OF OFFICERS.

2. Except as provided in section 6 of the Act, an officer shall not allow a prohibited immigrant to enter the Commonwealth.

3. For the purpose of medical examination, an officer may detain for a period not exceeding 24 hours, in such place and in such custody as he thinks fit, any person whom he reasonably supposes to be a prohibited immigrant within the meaning of paragraph (*c*) or (*d*) of section 3 of the Act.

4. Any officer may, at any time, enter into or upon any vessel other than a public vessel of any Government, and may search, or cause a search to be made, in every part of the vessel, for the purpose of determining whether any prohibited immigrant is on board.

5. Any person who claims to be excepted from the Act, as being—

(*a*) possessed of a certificate of exemption; or

(*b*) duly accredited to the Government of the Commonwealth, or by the Imperial, or any other Government, or sent by any Government on any special mission,

shall, when required by an officer, produce the certificate or credentials.

6. Any person who is domiciled in the Commonwealth, and is leaving the Commonwealth temporarily, and who desires on his return to be excepted from the Act, under paragraph (*n*) of section 3 thereof, may apply to the Collector of Customs at the port of departure for a certificate of domicile.

Cancelled. See Amended Regulation herewith.

The Collector, upon being satisfied that he is so domiciled, and upon being supplied with such particulars as he may require for the identification of the applicant, shall give him a certificate in the form of the Schedule hereto.

Upon returning to the Commonwealth, the applicant shall deliver the certificate to an officer at the port of landing; and if he satisfies the officer of his identity, he shall be deemed not to be a prohibited immigrant.

OFFENCES.

7. Every person shall answer all questions which are put to him by an officer, and which are, in the opinion of the officer, necessary for determining whether he or any other person is a prohibited immigrant.

8. Any person who refuses to answer any question lawfully put to him by an officer, or who knowingly makes a false statement, either in answer to any such question, or in applying to an officer for any certificate under the Act or these Regulations, or in connexion with any such certificate, shall be guilty of an offence against these Regulations.

9. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, transfers or delivers up to any other person any certificate or

credentials referred to in the Act or in these Regulations, shall be guilty of an offence against these Regulations.

10. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, has in his possession—

(*a*) a certificate of exemption or of domicile which does not belong to him; or

(*b*) any certificate or credentials referred to in the Act or in these Regulations, and not belonging to him; or

(*c*) any such certificate or credential which is forged or false;

shall be guilty of an offence against these Regulations.

DUTIES OF MASTERS.

11. The master of every vessel, other than a public vessel of any Government, arriving at any port in the Commonwealth, from parts beyond the Commonwealth, with any passengers on board for that port, shall, before making entry at the Customs, deliver to an officer a list of all such passengers, specifying, to the best of his knowledge, the name, the nationality, the place of shipment, and the calling and occupation of each such passenger.

12. The master of every vessel, other than a public vessel of any Government, arriving at a port in the Commonwealth from parts beyond the Commonwealth, shall, if required by an officer, deliver to an officer a list showing the number and names of the crew, and their nationality, and produce the vessel's articles.

13. The master of every vessel, other than a public vessel of any Government, arriving at any port within the Commonwealth, from parts beyond the Commonwealth and having amongst her crew any persons not of European race or descent, shall forthwith upon arrival, and before making any entry at the Customs, produce for the inspection of an officer, a list showing the number and names of such persons, and their nationality.

14. The master of every vessel shall afford to an officer every facility for performing his duties, and shall answer all questions which are put to him by the Officer, and which are, in the opinion of the officer, necessary for determining whether any person is a prohibited immigrant. And no person shall obstruct or hinder an officer in the carrying out of the Act or of these Regulations.

15. The approved sureties mentioned in section 7 of the Act shall be such sureties as are approved by the Minister or by a State Collector of Customs. The sureties shall enter into a bond, conditioned to become void if the immigrant leaves the Commonwealth within one month.

NOTE.—A person guilty of any offence against these Regulations is, under section 18 of the Act, liable upon summary conviction to a penalty not exceeding £50, and in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

SCHEDULE.

COMMONWEALTH OF AUSTRALIA.

Immigration Restriction Act, 1901.

CERTIFICATE OF DOMICILE.

I, Collector of Customs at the port of in the said Commonwealth, hereby certify that hereinafter described, has satisfied me that he is domiciled in the Commonwealth, and is leaving the Commonwealth temporarily.

(Insert description.)

The day of 1902. Collector.

NOTE.—This certificate must be returned by the applicant. If it is delivered, without just cause or excuse, to any other person, both the person delivering it and the person receiving it are guilty of an offence against the Regulations, and are liable, upon summary conviction, to a penalty not exceeding £50, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding six months.

(D.)

COMMONWEALTH OF AUSTRALIA.

Department of External Affairs, Melbourne, December 9, 1903.

His Excellency the Governor-General, with the advice of the Executive Council, has been pleased to approve of the cancellation of Regulation No. 6, under the "Immigration Restriction Act, 1901," published in the "Commonwealth Gazette" of 3rd January, 1902, and of the subjoined Regulation being made in lieu thereof.

ALFRED DEAKIN,
Ministers of State for External Affairs.

Any person who is domiciled in the Commonwealth, and is leaving the Commonwealth temporarily, and who desires on his return to be excepted from the Act, under paragraph (*n*) of Section 3 thereof, may apply to the Collector of Customs at the port of departure for a Certificate of Domicile.

The collector, upon being satisfied that he is so domiciled, and upon being supplied with such particulars as he may require for the identification of the applicant, and upon payment of a fee of £2, shall give him a certificate in the form of the schedule hereto.

Upon returning to the Commonwealth, the applicant shall deliver the certificate to an officer at the port of landing; and if he satisfies the officer of his identity, he shall be deemed not to be a prohibited immigrant.

No. 3.

CAPE OF GOOD HOPE.

MINISTERS to GOVERNOR.

(Minute. No. 1/276.)

Prime Minister's Office, Cape Town, May 9, 1904.

In acknowledging the receipt of His Excellency the Governor's Minute, dated 5th instant, transmitting a copy of a telegram from the Right Honourable the Secretary of State for the Colonies, relative to Acts and Regulations in force affecting the admission of immigrants into the Colony of the Cape of Good Hope, Ministers have the honour to forward herewith copies of the "Immigration Act, 1902," and of the Regulations framed under the seventh section thereof.

L. S. JAMESON.

Enclosure 1 in No. 3.

No. 47—1902.] [Jan. 30, 1903.

ACT to Place certain Restrictions on Immigration and to provide for the Removal from the Colony of Prohibited Immigrants.

[Assented to 22nd December, 1902.]

Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:— Preamble.

1. So much of any law as is repugnant to or inconsistent with the provisions of this Act is hereby repealed. Repeal.

2. In the construction of this Act the following expressions shall, unless the contrary intention appears, bear the meanings hereby respectively assigned to them, that is to say: — Interpretation.

"Ship" shall include any ship, vessel or boat or description thereof, used in navigation.

"Master" shall include any person other than a pilot in charge or command of any ship.

"Prohibited immigrant" shall mean and include the following persons:—

(*a*) Any person who, when asked to do so by any duly authorised officer, shall be unable through deficient education to himself write out and sign in the characters of any European language, an application to the satisfaction of the Minister.

(*b*) Any person who is not in possession of visible means of support or is likely to become a public charge.

(*c*) Any person who has been convicted of any of the following offences, that is to say, murder, rape, theft, fraud, perjury or forgery, and who by reason of the circumstances connected with such offence is deemed by the Minister to be an undesirable.

(*d*) Any person who is a lunatic within the meaning of the second section of the Lunacy Act, 1897.

(*e*) Any person, male or female, who lives on or knowingly receives any part of the proceeds of prostitution.

(*f*) Any person who from information officially received by the Minister from any Secretary of State or from any Colonial Minister, or through diplomatic channels, from any Minister of any foreign country is deemed by the Minister to be an undesirable.

3. This Act shall not apply to:— Exemption of certain persons from the operation of this Act.

(*a*) Members of His Majesty's Naval and Military forces.

(*b*) The officers and crew of any public ship of any foreign State.

(*c*) Any person, together with his wife, family, and servants, who is duly accredited to the Colony by or under the authority of His Majesty, or of the Government of any foreign State.

(*d*) Persons who have served in any of His Majesty's Volunteer forces in South Africa, and have received good discharges.

(*e*) The wife and minor child of any person who is permitted to immigrate into the Colony under the provisions of this Act.

(*f*) Persons domiciled in South Africa.

(*g*) European persons who are agricultural or domestic servants, skilled artisans, mechanics, workmen or miners, and are able to produce a certificate signed by the Agent-General of the Colony in England or officer appointed by the Governor in England or elsewhere to grant certificates for the purposes of the Act, certifying that the person named therein has been engaged to serve, immediately on arrival in the Colony, an employer therein of repute at an adequate remuneration, and for a reasonable period of time.

Part II.

Prohibited Immigration.

Prohibition of immigration of certain persons.

4. Subject to the provisions of this Act it shall be unlawful for any "prohibited immigrant" to immigrate, either by land or by sea, into this Colony.

Aiding prohibited immigration.

5. It shall be unlawful to aid or assist any person to immigrate into this Colony in contravention of the provisions of this Act.

Master of ship landing prohibited immigrants.

6. It shall be unlawful for the master of any ship knowingly to permit to land or be landed directly or indirectly from his ship any person immigrating into this Colony in contravention of the provisions of this Act.

Regulations by Governor to prevent immigration.

7. It shall be lawful for the Governor from time to time by Proclamation to make regulations in order to prevent any immigration into this Colony, contrary to and in violation of the provisions of this Act, and to appoint officers within and beyond the limits of the Colony to carry out such regulations, and to provide for the removal, from within the territorial limits of the Colony, any persons who are, under and by virtue of the provisions of this Act, prohibited from immigrating thereto, and settling therein, and to provide for the temporary custody, control, and accommodation of such persons pending their removal as aforesaid; and to provide for the importation, reception, accommodation, maintenance, registration, distribution, and contractual engagements of persons immigrating under any approved scheme or belonging to any excepted class, and generally in furtherance of the objects and intents of this Act.

Penalty for illegally immigating into Colony.

8. Any person immigrating into this Colony by land or sea in violation of the provisions of this Act shall be liable to be removed at any time from within the limits of the Colony and to be kept in such custody as may by regulation be prescribed pending such removal.

Assisting in illegal immigration; penalty.

9. Any person who aids or assists any person in the contravention of any provisions of this Act shall be liable for each offence to a penalty of £50, or in the alternative to three months imprisonment with or without hard labour.

Liability of Master of ship for landing prohibited immigrants.

10. Any master of any ship who lands, or allows to land, directly or indirectly any immigrant from his ship, whereby such immigrant contravenes any provisions of the Act, and the owners of any such ship from which any such immigrant so lands, shall be jointly and severally liable to a penalty of £100, and to a further penalty of £20 for each such immigrant landed in excess of the number of five, such ship may be refused a clearance till such penalty has been paid, and may in default of payment by or on behalf of the master or owners and by order of the Supreme Court be attached and declared executable in satisfaction of any writ issued for the recovery of such penalty; provided that in lieu of granting such order, it shall be lawful for the Court to accept such security for the payment of such penalty as may appear to be adequate.

Penalty for false statements made to obtain certificates.

11. Any person wilfully making any false statement in order to obtain any certificate or recommendation for the purposes of the Act shall on conviction be liable to a fine of not exceeding £50 or to imprisonment without the option of a fine and with or without hard labour for a period not exceeding six months in addition to removal from the Colony.

Penalty for entering into fictitious contracts to evade Act.

12. Any person entering into any contract in the capacity of employer, with any persons at the time being beyond the limits of the Colony, for service or employment within the Colony, for the purpose of any evasion of the provisions of the Act, or being at the time unable to fulfil his part of the contract, or who became unable to fulfil his contract which at the time it was entered into he had no reasonable expectation of being able to fulfil, shall be liable on conviction for each offence to be sentenced to imprisonment for a period not exceeding six months, or to a fine of not exceeding £100 and in default of payment thereof to imprisonment not exceeding six months, or to both such fine and imprisonment.

Penalties for contraventions of Regulations.

13. It shall be lawful for the Governor to prescribe penalties for the contravention of any Regulation made by him under this Act, provided that no penalty in respect of any one contravention shall exceed a fine of £100, or in default of payment thereof imprisonment with or without hard labour for a period exceeding 12 months or to imprisonment with or without hard labour and without the option of a fine for a period exceeding 12 months.

Short Title.

14. This Act may be cited as "The Immigration Act, 1902."

Enclosure 2 in No. 3.

PROCLAMATION by His Excellency the Honourable Sir WALTER FRANCIS HELY-HUTCHINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of His Majesty's Colony of the Cape of Good Hope, and of the Territories and Dependencies thereof, &c., &c., &c.

Whereas it is provided by the 7th Section of "The Immigration Act, 1902," that it shall be lawful for the Governor from time to time to make regulations in order to prevent any immigration into this Colony contrary to and in violation of the provisions of the said Act:

Now, therefore, I do hereby, under and by virtue of the said powers vested in me, proclaim and make known that the regulations in the Schedule hereto shall, from and after the date of this Proclamation, and until altered, amended, or repealed by me, be in operation and have the force of law.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, this 4th day of February, 1903.

WALTER HELY-HUTCHINSON,
Governor.

By Command of His Excellency the Governor in Council,

P. H. FAURE.

No. 42, 1903.

SCHEDULE TO THE FOREGOING PROCLAMATION.

Regulations made under the provisions of the 7th Section of "The Immigration Act, 1902."

PART I.

PRELIMINARY.

1. In these Regulations the following terms shall have the meaning thereby respectively assigned to them unless the contrary intention appears:—

"Passengers," shall include all persons, other than the Officers and Crew, being on any ship at the time of arrival in any Port of the Colony.

"Immigration Officer," shall mean any person appointed by the Governor in terms of the 7th Section of the Act to carry out, at any Port of the Colony and the territorial waters thereof, the provisions of the Act and of these Regulations.

2. It shall be lawful for the Minister from time to time to assign such duties and issue such instructions and directions to any Immigration Officer as the Minister may deem fit.

3. It shall be lawful for the Minister to issue such instructions to the Police or any Special Constable as he may, from time to time, deem necessary for the purpose of carrying out these Regulations.

PART II.

FOR PREVENTING THE IMMIGRATION INTO THE COLONY OF PROHIBITED IMMIGRANTS.

4. For the purpose of administering the Immigration Act and these Regulations, all officials appointed hereunder are hereby authorised and empowered at all hours of the day and night to board any ship and to call for and examine the ship's papers: provided that nothing in this Section shall be deemed to apply to British or Foreign Vessels-of-War.

5. These Regulations shall not be deemed to apply, generally, to passengers landing in Cape Town, or any other Port in the Colony, being immigrants bound for any British Colony in South Africa other than the Cape, and not being "prohibited" by the law of the Colony of their destination, or to persons whom the Immigration Officer, after due enquiry made by him, considers to be such Immigrants: provided that such Immigrants shall agree to, and shall abide by such instructions as may be given to them by such Immigration Officer with a view to enabling such Immigrants' passage through the Colony to be accomplished in fact and with celerity.

6. The Master of any ship arriving in any Port of this Colony shall take all reasonable steps to procure from each passenger the information hereinafter mentioned, and shall take all reasonable means to ascertain the accuracy of such information. He shall, on arrival, hand to the Immigration Officer at the Port, when called upon so to do, the lists properly completed, and declarations following, that is to say:—

(*a*) A list of all passengers on such ship, classified according to their intended ports of disembarkation, in the form, and specifying in respect of each such passenger the information set forth, in the Schedule I. attached hereto: provided that it shall be competent for the Minister, from time to time, as he may deem fit, to add to, alter or vary the information which a Master may be called upon to furnish under this Regulation;

(*b*) A correct list of every member of the crew of the ship, specifying in regard to each his name, nationality, and rank;

(*c*) Written or printed declarations, signed by any passengers on such ship, in one or other of the forms marked "A" "B" "C" or "D" hereinafter in the next succeeding Regulation provided for.

7. Every passenger arriving at a port of this Colony before being permitted to land shall be required to satisfy the Immigration Officer that he is either not a person falling within the

class "A" hereunder mentioned, or that he is a person falling within one or other of the classes "B" "C" and "D" hereunder, that is to say:—

"A."—That he is not a prohibited Immigrant, within the meaning of the second Section of the Act, or

"B."—That he is a person coming within the provisions of the third Section of the Act, to whom the restrictive provisions of the Act do not apply, or

"C."—That he is a person proceeding to some place beyond the limits of the Colony, and that he intends to proceed to his destination with all due celerity, or

"D."—That he is a *bonâ fide* traveller, and that he does not intend to remain in or to become domiciled in the Colony.

And for the purposes of this Regulation every such passenger shall sign and deliver to the Master of the vessel, or to the Immigration Officer at the port of arrival a declaration to any of the above-mentioned facts, upon one or other, as the case may be, of the Forms, marked respectively "A," "B," "C," and "D," and set forth in the Schedule marked II. attached hereto: provided that it shall be competent for the Immigration Officer to satisfy himself of the truth of any statement contained in any such declaration, or otherwise made by any passenger, or of any other matter or thing, by administering an oath to, or accepting an affirmation from such passenger, or by any such other reasonable means as such Immigration Officer may deem necessary; and until such Immigration Officer shall be so satisfied, such passenger shall not be permitted to land: provided always that nothing in this Regulation shall prevent the Minister, if he shall deem fit, from authorising any passenger, who in his judgment is not a prohibited immigrant, to land forthwith.

8. Any Immigration Officer, who may not otherwise be qualified to administer oaths or accept an affirmation, is hereby empowered and authorised, for the purposes of these Regulations, to administer oaths and accept affirmations.

9. No member of the Crew of any ship shall be allowed to land at any Colonial Port unless he shall have been granted a Permit from an Immigration Officer so to do; and any Master, allowing any member of his crew to land without such Permit, shall be guilty of an offence, and shall, on conviction, be liable to a fine not exceeding £50, or, in default of payment thereof, to imprisonment for a period not exceeding three months, or to such imprisonment without the option of a fine, or to both such imprisonment and fine: provided that no contravention of this Regulation shall be deemed to have taken place in the case of a member of the crew temporarily landing at a Port and rejoining his ship prior to such ship leaving such Port.

10. The Master of any vessel shall, if required so to do, by an Immigration Officer, before leaving any Port in this Colony, muster and produce every member of his crew for comparison with the list mentioned in Regulation No. 6, Sub-Clause (b); and any Master refusing to so muster his crew shall be guilty of a contravention of this Regulation, and clearance of the ship may be withheld until the Immigration Officer is satisfied that all members of the crew mentioned in the said list are on board.

11. All Masters shipping passengers to this Colony shall, at the ports of embarkation of such passengers, take all such reasonable steps as may be necessary in order to prevent any persons securing a passage in order to land in this Colony, in contravention of the Immigration Act, and shall not, after the vessel and passengers have been dealt with and passed by the Immigration Officer, allow the disembarkation of any passengers at any port other than that specified in the list mentioned in Regulation 6 (*a*) *supra*, as the port of embarkation of such passenger, unless such passenger shall have been first provided by the Immigration Officer with a Permit so to disembark, under such conditions as may be laid down by such Officer.

12. If at any time after embarkation it shall transpire that there would appear to be reasonable grounds for suspecting that any passenger is a "Prohibited Immigrant," the Master shall, as soon as may be, make a special report to the Immigration Officer at the first Port of call in this Colony.

13. It shall be the duty of the Master to render all assistance in his power to all Immigration Officers and other officials carrying out, on board his vessel, any duties under the provisions of the Act or of these Regulations, and any Master or person resisting, or in any way obstructing any Immigration Officer or official shall be guilty of contravening this Section, and shall be liable, on conviction, to a fine of not exceeding £100, or, in default of payment thereof, imprisonment, with or without hard labour, for a period not exceeding 12 months, or to imprisonment, with or without hard labour, and without the option of a fine, for a period not exceeding 12 months.

14. If it shall appear to the Immigration Officer practicable and in the interests of the ship desirable, any inspection or examination required or permitted to be made under these Regulations may be made in such other place than the ship as may be provided, with the sanction of the Minister, for the purpose: provided that the cost of removal of the Immigrants so to be inspected or examined, together with the removal of their baggage, shall be paid by the Master of the ship, and clearance may be refused until the same is paid: provided, further, that such removal from the ship shall not free the Master from the obligation of receiving back any such passenger as may be found to be a "Prohibited Immigrant," or from any other obligation imposed upon such Master by virtue of the Act or these Regulations.

15. It shall be lawful for the Immigration Officer to postpone, for such time as may be reasonable, the landing of any passenger, or to detain any passenger landed as in the last preceding Regulation provided, for the purpose of enabling him to determine whether such passenger is or is not a "Prohibited Immigrant."

16. It shall be further lawful for the Immigration Officer, in order to determine whether a passenger is or is not a "Prohibited Immigrant," to put to such passenger, before or after landing such questions as he may deem necessary for the purpose, and to require the same to be answered, either verbally or in writing, and under oath, and to require such passenger to write out and sign, in the characters of any European language, an application in the form which the Minister may from time to time direct the said Officer to require to be used; and such officer may further require such reasonable evidence to be furnished as a passenger or traveller would be ordinarily and reasonably expected to have in his possession, and any passenger wilfully refusing to answer any such question or to write out such application, or to furnish such evidence, may be prevented from landing, or if landed, be detained for such time as the Immigration Officer may deem to be necessary in order to enable him to fully determine the question.

17. The evidence mentioned in the last two preceding Sections may, *inter alia*, include the following:—

(*a*) In the case of soldiers and ex-volunteers, the production of their discharges.

(*b*) In the case of the wife or minor child of any person who is permitted to immigrate into the Colony under the provisions of the Act, a declaration to the effect that such person is his wife or minor child, as the case may be.

(*c*) In the case of a person returning home to South Africa, such evidence of domicile in South Africa as the Immigration Officer may reasonably require or the Minister direct to be obtained.

(*d*) In the case of European persons who are agricultural or domestic servants, skilled artizans, mechanics, workmen or miners, mentioned in the third Section of the Act, the production of a certificate signed by the Agent-General of the Colony, in England, or other officer specially appointed in terms of the said Section, or by a Magistrate, a Justice of the Peace, or an officer of the Law holding the same or an analagous position in the country from which such European person has come.

(*e*) In the case of any passenger, that he is in possession of visible means of support, and not likely to become a public charge.

Part III.

To provide for the removal from within the Territorial limits of the Colony of persons who are prohibited from immigrating and settling therein, and to provide for the temporary custody, control, and accommodation of prohibited Immigrants pending their removal.

18. On its transpiring that any passenger is a "Prohibited Immigrant," such passenger may be

(*a*) detained, in the ship in which he arrived, until after the departure of such ship from the territorial waters of this Colony, or

(*b*) detained in such place as may be sanctioned therefor by the Minister, until a passage to the port of embarkation has been secured for him, or

(*c*) sent back from the place provided for inspection to the ship by which he arrived, for the purpose of his departure, in such ship, from the territorial waters of the Colony.

19. The sum of £3 shall be provided for each returned "Prohibited Immigrant" for the purpose of assisting him on arrival at the place to which he is returned; and the said sum shall be paid, to the Immigrant himself, on the departure of the ship, or to the Master to hold in trust for him, or to such person and in such manner as will best ensure possession, by the Immigrant, of the said sum, in its entirety, on his landing at the port to which he is returned; and if it shall subsequently transpire, in the case of such sum having been handed to the Master, that such Immigrant has not received the said sum, the Master shall be deemed to have contravened this Regulation, and shall be liable, on conviction, to a fine of £100, or, in default, to three months' civil imprisonment.

20. The Master of a ship in which any "Prohibited Immigrant" has been brought into the territorial waters of this Colony, shall, on demand therefor by the Immigration Officer, take back or provide for the taking back of such Immigrant, to the port whence he came, and for that purpose shall provide such Immigrant with third-class accommodation, and with such food as is commonly supplied to third-class passengers; and if it shall subsequently transpire that such Immigrant has not during such return voyage, been so provided for, or has been cruelly, or badly, or incompetently treated, the Master shall be deemed to have contravened this Regulation, and shall, on conviction, be liable to a fine of not exceeding £100 or to be imprisoned, without the option of a fine, for a period not exceeding 12 months, with or without hard labour.

21. Any Master refusing to take back or cause to be taken back to the port from whence he came any such Immigrant, or refusing to receive back on board his ship any such Immigrant in the case where passengers may have been removed on shore for inspection, shall be deemed to have contravened this Regulation, and shall, on conviction, be liable to imprisonment for a period not exceeding 12 months, with or without hard labour, and without the option of a fine, or to a fine of not exceeding £100 and on failure to pay, to imprisonment for a period not exceeding 12 months, with or without hard labour.

22. All expenses incurred by the Colonial Government in returning the Prohibited Immigrant shall be paid by the Master of the ship bringing such Prohibited Immigrant to the Colony, and such expenses shall include the gratuity of £3 to be paid to such Prohibited Immigrant, and the ship may be refused clearance until such expenses are paid.

23. In the event of a "Prohibited Immigrant" having entered this Colony in contravention of the Act, it shall be lawful, after due enquiry into the facts by the Magistrate of the District in

which such Prohibited Immigrant shall have been found, to order such Immigrant to be detained and accommodated in such place as the Minister may from time to time direct, pending the removal of such Immigrant from within the territorial limits of the Colony.

24. In the case of the return of a "Prohibited Immigrant" to a British port the fact shall be reported to the Board of Trade, and in the case of an Indian or Colonial port, to the Government of India or the Colony concerned, and in the case of such return being to a Foreign port, then to the Consul accredited to this Colony by the country in which such port is situated, and also to the British Consul, if any, at such port.

Part IV.

GENERAL.

25. It shall be lawful for the Minister, if he shall deem it necessary, to direct the Immigration Officers to dispense with the enforcement, against Masters, of such of these Regulations as relate to the supply of lists, particulars, or declarations of passengers, and so to dispense either wholly or in part, according to the circumstances of the case, and having regard to the time that has expired since the promulgation of these Regulations, and to the possibility, or otherwise, of their having come to the knowledge of the Master: provided that nothing in this Section shall be construed as in any degree exempting any Master who has contravened or participated in the contravention in any of the provisions of the Act from any liability therefor.

26. In the event of any Immigration Officer, or other official connected with the administration of this Act, or any Police Officer becoming aware of any circumstance constituting reasonable grounds for suspecting that a passenger, who has been landed, is a "Prohibited Immigrant," or that any person is guilty of any contravention of the Act or of these Regulations, by the unauthorised landing of a passenger, he shall forthwith give notice thereof, together with full particulars, to the Magistrate of the District, who shall thereupon cause full enquiries to be made with a view to the necessary proceedings being taken under the Act or these Regulations. And if there are reasonable grounds for connecting the Master of any ship with any such suspected contravention, the ship may be refused clearance until the Magistrate may order otherwise.

27. In the event of any Immigrant having immigrated in good faith on a contract under the provisions of Section 3 Sub-Clause (G) of the Act and it being found upon arrival that the employer is not of good repute or that the Contract is not such as is intended by the said Clause, it shall be lawful for the Immigration Officer to allow such Immigrant to land upon his undertaking to accept such employment as may be found for him by Government, pending the finding of more permanent employment, which permanent employment he shall undertake to contract to perform for a reasonable period of time.

28. Any person obstructing any officer in the performance of any duty imposed by these Regulations, or refusing to perform or carry out any duty so imposed, or knowingly giving false information or signing any false declaration, or otherwise contravening any of these Regulations, shall be liable, on conviction, to a fine not exceeding £50, and in default of payment thereof, to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and such imprisonment.

Schedule I.

List of Passengers on board the Ship Master

Port of Sailing

Port of Arrival

Surname.	Christian Name.	Sex.	Age (whether a minor or otherwise).	Nationality.	Occupation.	Class travelled.	Port of Embarkation.	Intended Port of Debarkation.	Address at Destination.	Nature of Declaration signed.*	Remarks.**

* Here insert whether Declaration "A," "B," "C" or "D" has been signed by the passenger, and if no declaration is procurable, the words "None procurable" should be inserted.

** Here state *inter alia* whether "not a prohibited immigrant," whether "exempted from operation of Act," and, if so, on what grounds, whether "proceeding beyond limits of Colony," or whether a "Traveller," and if no declaration is procurable, the reasons therefor.

I hereby declare that the above is a true list of all passengers on board this Ship, and that the information set down therein is to the best of my knowledge and belief true and correct, and that the persons named therein are not prohibited immigrants within the meaning of "The Immigration Act, 1902."

Witnesses: Signed

Date Master

SCHEDULE II.

FORMS OF DECLARATION FOR PASSENGERS.

Form "A."

I, (1) , hereby solemnly declare that I am not a person prohibited under the provisions of the second Section of the Immigration Act, 1902, printed on the back hereof, and with the terms of which I have made myself acquainted, from immigrating into the Colony of the Cape of Good Hope.

Signature

Witness

Date

Place

CERTIFICATE OF MASTER, OWNER, OR AGENT.

I hereby certify that I have taken all reasonable means of ascertaining the facts, and that to the best of my knowledge and belief the above declaration is in accordance with the truth.

Signature

Master, Owner or Agent of the Ship.

Date

Place

(1) Here fill in full name.

SECTION 2, "THE IMMIGRATION ACT, 1902."

2. In the construction of this Act the following expressions shall, unless the contrary intention appears, bear the meanings hereby respectively assigned to them, that is to say:—

"Ship" shall include any ship, vessel or boat or description thereof, used in navigation.

"Master shall include any person other than a pilot in charge or command of any ship.

"Prohibited immigrant" shall mean and include the following persons:—

(*a*) Any person who, when asked to do so by any duly authorised officer, shall be unable through deficient education to himself write out and sign in the characters of any European language, an application to the satisfaction of the Minister.

(*b*) Any person who is not in possession of visible means of support or is likely to become a public charge.

(*c*) Any person who has been convicted of any of the following offences, that is to say, murder, rape, theft, fraud, perjury or forgery, and who by reason of the circumstances connected with such offence is deemed by the Minister to be an undesirable.

(*d*) Any person who is a lunatic within the meaning of the second section of the Lunacy Act, 1897.

(*e*) Any person, male or female, who lives on or knowingly receives any part of the proceeds of prostitution.

(*f*) Any person who from information officially received by the Minister from any Secretary of State or from any Colonial Minister, or through diplomatic channels, from any Minister of any foreign country is deemed by the Minister to be an undesirable.

Form "B."

I (1) do hereby solemnly declare that I am (2)

and therefore coming within the meaning of the third Section of the Immigration Act, 1902, and exempted from the operation of the said Act.

Signature

Witness

Date Place

CERTIFICATE OF MASTER, OWNER OR AGENT.

I hereby certify that I have taken all reasonable means of ascertaining the facts, and that to the best of my knowledge and belief the above declaration is in accordance with the truth.

Signature

Master, Owner or Agent of the Ship.

Date

Place

(1) Name in full.

(2) Here state whether:—

(*a*) A member of one of His Majesty's Naval or Militia Forces.

(*b*) An Officer or one of the Crew (as the case may be) of a Public Ship of a Foreign State.

(*c*) A Person or the wife or other member of the family or the servant (as the case may be) of a person who is duly accredited to the Colony of the Cape of Good Hope by or under the authority of His Majesty or of the Government of any Foreign State.

(*d*) A person who has served in His Majesty's Volunteer Forces in South Africa, and who has received a good discharge.

(*e*) The wife or minor child of a person who is permitted to immigrate into the Colony under the Provisions of the Act.

(*f*) A person domiciled in South Africa.

(*g*) A European person who is one of the following:—An agricultural or domestic servant, skilled artisan, mechanic, workman or miner, and able to produce a certificate signed by the Agent-General of the Colony in England or other officer appointed by the Governor of the Colony of the Cape of Good Hope, in England or elsewhere, to grant such certificate for the purposes of the Act, and certifying that I have been engaged to serve immediately on arrival in the Colony, an employer therein of repute at an adequate remuneration, and for a reasonable period of time.

Form "C."

I (1) do hereby solemnly declare that I am not a person immigrating into the Colony of the Cape of Good Hope, and that I am proceeding to (2) a place beyond the limits of the Colony, and I do further state that it is my intention to proceed to my said destination with all due celerity.

Signature

Witness

Date

Place

CERTIFICATE OF MASTER, OWNER OR AGENT.

I hereby certify that I have taken all reasonable means of ascertaining the facts, and that to the best of my knowledge and belief the above declaration is in accordance with the truth.

Signature

Date

Master, Owner or Agent of the Ship.

Place

(1) Name in full.

(2) Here fill in place of destination.

Form "D."

I (1) do hereby solemnly declare that I am a *bonâ fide* traveller and do not intend to remain or become domiciled in the Colony of the Cape of Good Hope.

Signature

Witness

Date

Place

CERTIFICATE OF MASTER, OWNER OR AGENT.

I hereby certify that I have taken all reasonable means of ascertaining the facts, and that to the best of my knowledge and belief the above declaration is in accordance with the truth.

Signature

Date

Master, Owner or Agent of the Ship.

Place

(1) Name in full.

No. 4.

NATAL.

[Note.—*These Acts, &c., were received from the Governor in a Despatch dated May 13, 1904.*]

SCHEDULE.

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(A.)

Immigration Restriction Act.

[No. 30, 1903.]

Henry McCallum,
Governor.

Act, "To place closer restrictions on Immigration."

Whereas it is expedient to place closer restrictions on immigration into the Colony and to provide for the removal from the Colony of prohibited immigrants:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Part I.

Short title.

1. This Act shall be known as the "Immigration Restriction Act, 1903."

Repeal.

2. Act No. 1, of 1897, known as the "Immigration Restriction Act, 1897," is hereby repealed.

Former Acts, &c., not affected by repeal.

3. The repeal of the said Act No. 1 of 1897, shall be without prejudice to anything done or suffered or any order given or liability incurred thereunder or to any penalty or punishment imposed in respect of any offence under the said Act or to any legal proceedings commenced in respect of any matter under the said Act, and any such legal proceedings may be carried on as if this Act had not been passed. Any regulations made under Act No. 1 of 1897 shall, save so far as they may be inconsistent with this Act, remain in force until revoked by regulations made under this Act.

Exemptions.

4. This Act shall not apply to:—

(*a*) Any person possessed of a certificate in the form set out in Schedule A of this Act, and signed by the Minister having charge of the administration of this Act (hereinafter referred to as the Minister) or by the Agent-General of Natal, or any officer appointed by the Natal Government for the purpose of this Act whether in or out of Natal.

(*b*) Any person of a class for whose immigration into Natal provision is made by Law or by a scheme approved by Government.

(*c*) The officers and crew of any vessel of His Majesty's Fleet or of the Fleet of any friendly Power.

(*d*) Any member of His Majesty's Military forces.

(*e*) Any person duly accredited to Natal by or under the authority of the Imperial or any other Government.

(*f*) Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in Natal, and that he does not come within the meaning of any of the Sub-sections (*c*), (*d*), (*e*), (*f*), (*g*) of Section 5 of this Act.

(*g*) The wife, and any child appearing to the Immigration Restriction Officer to be under the age of 16 years, of a person not being a prohibited immigrant, except subject to Sub-sections (*c*), (*d*), (*e*), (*f*), (*g*) of Section 5 of this Act.

Prohibited immigrants.

5. The immigration into Natal, by land or sea, of any person being or appearing to be of any of the classes defined by the following sub-sections, hereinafter called "prohibited immigrant," is prohibited, namely:—

(*a*) Any person who, when asked to do so by any duly authorised officer, shall be unable through deficient education to himself write out and sign, in the characters of some European language, an application to the satisfaction of the Minister.

(*b*) Any person without visible means of support or any person who is likely to become a pauper or a public charge.

(*c*) Any idiot or insane person.

(*d*) Any person suffering from a loathsome or dangerous contagious disease.

(*e*) Any person who, not having received a free pardon, has been convicted in any country of treason, murder, or any crime for which a sentence of imprisonment has been passed for any term, and who, by reason of the circumstances connected therewith, is deemed to be an undesirable immigrant.

(*f*) Any prostitute, and any person living on or receiving, or who may have lived on or received, any part of the proceeds of the prostitution of others.

(*g*) Any person deemed by the Minister to be an undesirable immigrant in consequence of information or advice received from any Secretary of State or Colonial Minister, or through diplomatic channels or any Minister of a Foreign Country or from any other trusted source.

Part II.

Powers of police to prevent entry.

6. Any police officer, or other officer appointed under this Act may, subject to the exceptions hereinafter contained, prevent any prohibited immigrant from entering Natal by land or sea.

Unlawful entry of prohibited immigrant.

7. Any prohibited immigrant making his way into, or being found within, Natal, in disregard of the provisions of this Act, shall be deemed to have contravened this Act. Any

person convicted under this section may, in addition to liability to removal or otherwise, be imprisoned with or without hard labour for any term not exceeding six months: Provided that such imprisonment shall cease if and when arrangements are made for the deportation of the offender from the Colony.

Prohibited immigrant not released from Act by mere entry.

8. No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Act, or allowed to be or remain in the Colony, merely because he has not been notified not to land, or because he may have been allowed to land through oversight or through want of knowledge that he was a prohibited immigrant. Proof adduced within twelve months after any person has entered the Colony that he is of any of the classes whose entry is prohibited, shall be sufficient evidence that such person was a prohibited immigrant, and such person shall be liable to be then dealt with as a prohibited immigrant.

Summary arrest.

9. If there shall be reasonable cause to suspect that any person has contravened this Act, and if in order to prevent justice from being defeated, it is necessary to arrest such person immediately, it shall be lawful for any Immigration Restriction or Police Officer to arrest such person forthwith, without having a warrant for that purpose, and he shall be required to bring such person before a Magistrate as soon as may be, or should the ship from which such person landed be on the point of departure, then such person may be handed over to the custody of the Master of the ship, who shall be obliged to receive and keep him on board.

Entry permitted under certain conditions.

10. Any person appearing to be a prohibited immigrant within the meaning of Section 5 of this Act, and not coming within the meaning of any of the Sub-sections (*c*), (*d*), (*e*), (*f*), (*g*) of the said Section 5, may be allowed to enter Natal upon the following conditions:—

(*a*) He shall, before landing, himself deposit with an officer appointed under this Act the sum of One Hundred Pounds Sterling.

(*b*) If such person shall, within one week after entering Natal, obtain from the Minister or a Magistrate a certificate that he does not come within the prohibition of this Act, the deposit of One Hundred Pounds Sterling shall be returned.

(*c*) If such person shall fail to obtain such certificate within one week, the deposit of One Hundred Pounds Sterling may be forfeited and he may be treated as a prohibited immigrant.

In case of any person entering Natal under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port of the Colony.

Disabilities of prohibited immigrant.

11. A prohibited immigrant shall not be entitled to a license to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise, or to be enrolled as a burgess of any borough or on the roll of any township; and any license or franchise right which may have been acquired in contravention of this Act shall be void.

Contract for return of prohibited immigrant.

12. The Government may authorise the Principal Immigration Restriction Officer to make a contract with the Master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in Natal to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel.

Bringing insane persons into Colony.

13. Any person who shall be instrumental in bringing into Natal any idiot or insane person without a written or printed authority, signed by the Minister, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony.

Officer may board all ships.

14. Any officer for the purposes of this Act shall be empowered to board as often as may be necessary all ships entering inward at any port of the Colony in the performance of his duties under this Act.

List of passengers may be required.

15. The Master of a ship arriving at Natal shall, upon being thereto requested by the Immigration Restriction Officer at the Port, furnish to him a list, in duplicate, signed by himself, of all passengers and other persons then on board not forming a portion of the regular crew of the vessel.

Crew may be required to be mustered before departure; Absence of person who would be prohibited immigrant.

16. A Master shall also, if required thereto prior to his departure from Port, produce his Articles and muster his crew, and if it be found that any person named on the Articles, and who, in the opinion of the Immigration Restriction Officer, would be a prohibited immigrant, is not then present, such person shall be deemed to have entered the Colony contrary to this Act, but the Master and Agents of the ship, provided they have made proper provision for police protection, shall not be responsible for any contravention of the provisions of this section.

Detention of persons of prohibited immigrant class during ship's stay.

17. If the Immigration Restriction Officer shall declare to the Master of a ship arriving at the Port that there are persons on board who belong to the class of prohibited immigrants, and should the Master thereupon represent that for the better security against infringement of the Act it is desirable that such prohibited immigrants should be kept in some other place during the ship's stay in Port, the Immigration Restriction Officer may, in such case, should he think fit, cause such prohibited immigrants to be removed in proper custody from the ship to, and be detained in, any place on shore, or any hulk or craft in the Bay, which may be set apart by the Government for the purpose. Such prohibited immigrants shall be returned to the ship when she is about to sail, of which due notice shall be given by the Master to the Immigra-

Expenses to be borne by ship.

tion Restriction Officer. The cost of the landing or removal, detention, maintenance and control of the prohibited immigrants, so temporarily removed from the ship, and all contingent expenses, shall be borne by the Master of the ship, who shall be solely responsible for the proper rationing of the prohibited immigrants so removed, and for providing them with bedding and other necessaries requisite to maintain them in the place of detention in the degree of comfort which they would have enjoyed had they not been removed from the ship, or to which they might be entitled under any contract or agreement subsisting between such prohibited immigrants and the Master or owners of the ship. The Immigration Restriction Officer may, before assuming the custody of any prohibited immigrant, require the Master and owners, or agents of the ship, to deposit with him, or give a sufficient guarantee of a sum sufficient to defray any expenses that may be incurred by the Government in connection therewith.

Escape of person so detained.

18. If any prohibited immigrant shall escape from the place of detention contemplated by the next preceding section, or from any lawful custody in going thereto or returning therefrom, he may be taken by any officer of police and brought back, and shall also be liable to punishment for contravention of Section 7 of this Act.

Punishment by Magistrate of a member of crew. Order for return, in custody, to ship.

19. Should the Master of a ship charge any member of his crew, or stowaway, or extra hand before a local Court with a crime or offence committed at some time prior to arrival, or during his vessel's stay in Port, the Magistrate may, at the request of the Immigration Restriction Officer, and on representation by the Immigration Restriction Officer that the accused is a prohibited immigrant, in awarding punishment, order that, on expiry of the sentence, or on the sooner readiness of his vessel to proceed to sea, the prisoner be taken from gaol and conducted in custody aboard his ship for conveyance away from the Colony. Any person contemplated by this section, brought before a Magistrate and discharged, shall be ordered by the Magistrate to be immediately conveyed back to his ship. An order shall not be made under this section in any case in which the Magistrate deems the crime proper for trial in a higher Court.

Regulation of intercourse from shore with vessel having prohibited immigrants.

20. Whenever it shall be deemed necessary for the effective carrying out of this Act to regulate intercourse from the shore with any vessel at the Port having on board any prohibited immigrant, the Principal Immigration Restriction Officer may take such steps, with the approval of the Minister, as may appear proper in that behalf.

Liability of Master and owners of ship from which prohibited immigrants have landed.

21. The Master and owner of any ship from which any prohibited immigrant may be landed or may land shall be liable jointly and severally to a penalty of One Hundred Pounds Sterling (which said sum may be reduced to any sum not less than Twenty-five Pounds Sterling) in respect of each such prohibited immigrant landed or who may land, and the vessel may be refused a clearance outward until any penalty incurred has been paid, and until provision has been made by the Master to the satisfaction of the Immigration Restriction Officer for the conveyance out of the Colony of each prohibited immigrant who may have been so landed, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any penalty imposed under this section.

The word "clearance" as used in this Act includes all the documents ordinarily issued by the Collector of Customs to a ship about to leave Port, including the document known as the Bill of Health.

Part III.

Visiting passes: Embarkation passes.

22. Any person being a prohibited immigrant within the meaning of this Act may apply to the Immigration Restriction Officer, or other officer thereto appointed, for a pass to enter Natal for a temporary visit or for the purpose of embarking at the Port for some other country. Such passes shall be known as Visiting Passes and Embarkation Passes respectively, and shall be in the forms prescribed by the Regulations made under this Act. The words "the Port" mean any port in Natal.

Attendance before officer and deposits.

23. The applicant shall attend before such officer and shall answer all such questions as the officer may put in order to satisfy himself that the pass ought to be granted, and shall deposit with him the appointed sum of money, that is to say:—

For a Visiting Pass the sum of Ten Pounds Sterling, together with an additional sum of Ten Pounds Sterling where the pass includes the wife and children of the applicant;

For an Embarkation Pass the sum of Ten Pounds Sterling for each adult, and Five Pounds for each child.

The word child, as used in this and the succeeding sections means a person appearing to the officer to be under the age of sixteen years.

Separate passes required.

24. Except in the case of a person accompanied by his wife and children a separate pass shall be required for each person seeking to enter Natal for the purpose of a visit or for embarking.

Discretion to refuse passes.

25. No person shall be entitled of right to obtain a Visiting Pass or an Embarkation Pass, and the officer appointed to issue such passes shall have the discretion to grant or refuse any such pass, subject, however, to any direction which may be given him by the Principal Immigration Restriction Officer or by the Minister.

Duration and effect of visiting pass.

26. A Visiting Pass shall be a sufficient authority for the person or persons named therein to enter the Colony of Natal and to remain there during the period stated in the pass. Such period shall not exceed twenty-one days, but any officer appointed under the Act may, for sufficient reason appearing extend the period from time to time by an endorsement on the pass. No extension shall be made for more than fourteen days at a time, and no such pass may be extended beyond six weeks from the date of the pass, except with the consent of the Minister.

Return of deposit.

27. The money deposited for a Visiting Pass shall be returned to the depositor upon the passholder quitting the Colony within the time named in the pass or any extension thereof.

Effect of embarkation pass.

28. An Embarkation Pass shall be a sufficient authority for the person or persons named therein to enter Natal and to proceed with all reasonable speed to the Port for the purpose of embarking by the first available opportunity for the destination stated in the pass.

Extension.

29. An Embarkation Pass shall not be extended except by the Principal Immigration Restriction Officer for sufficient cause to him appearing.

Disposal of deposit for embarkation pass.

30. The money deposited for an Embarkation Pass shall be at once transmitted to the Principal Immigration Restriction Officer at the Port, to be by him applied, on the application of the person to whom it was granted, and so far as the sum deposited shall suffice for the purpose, in obtaining a passage for the person or persons named to the specified place or destination. Any balance of the money deposited shall be returned to the depositor upon the sailing of the ship, or may, in the discretion of the officer, be expended in any other necessary or proper manner by desire of the depositor.

Penalty for outstaying time allowed by pass: Other offences.

31. Any person being a prohibited immigrant within the meaning of the Act, who shall enter Natal in pursuance of a Visiting Pass or an Embarkation Pass, and who shall remain in Natal beyond the time allowed by such pass, or by a lawful endorsement thereof, or who may misuse the pass, or allow any fraudulent use to be made of it, shall be deemed to have contravened this Act, and shall, upon conviction, suffer forfeiture of the amount deposited by him, and render himself liable to the punishment prescribed by Section 7 of the Act.

Exemption by residence.

32. The provisions of Sub-section (*f*) of Section 4 shall extend to any person who shall satisfy an officer appointed under this Act that he has formerly resided in Natal, that is to say who has had his ordinary place of residence in Natal for a period of not less than three consecutive years: Provided, however:

(*a*) That nothing in this section shall diminish the rights of any person who has had his domicile in Natal as distinguished from residence as above defined.

(*b*) That no person shall be entitled to claim the benefits of this section merely by reason of residence in Natal under indenture of service, or the like, entered into in pursuance of any laws for the introduction of servants or labourers or otherwise.

Certificate of residence or domicile.

33. A certificate granted by the Immigration Restriction Officer, stating that the person named and described therein has been formerly resident or domiciled in the Colony within the meaning of this Act, shall be *primâ facie* evidence of such former residence or domicile.

Part IV.

Person over 16 years to be regarded an adult.

34. Any person appearing to an officer under this Act to be over the age of sixteen years shall be regarded as an adult for the purposes of this Act.

Officers for carrying out Act.

35. The Governor may appoint officers for the purpose of carrying out the provisions of this Act, one of whom shall be a principal Immigration Restriction Officer, and may define the duties of such officers, and such officers shall carry out the instructions from time to time given to them by the Minister or by the Principal Immigration Restriction Officer.

Regulations.

36. The Governor in Council may, from time to time, make, amend, and repeal regulations for the better carrying out of the provisions of this Act.

Offence of falsely obtaining documents, &c.

37. Any person who shall by false declaration obtain, or seek to obtain, either for himself or for another person, neither being entitled thereto, any certificate or document intended to secure the entry into the Colony of any person in violation of the provisions of this Act, and any person who may fraudulently use any such certificate, or other document, shall be guilty of a contravention of this Act.

Contraventions.

38. The following shall be contraventions of this Act:—

(*a*) Assisting any prohibited immigrant to enter the Colony or knowingly being a party to the introduction of any person of the class (*f*) of Section 5 of this Act.

(*b*) Aiding or abetting a prohibited immigrant or any other person in any contravention of this Act or of the Regulations.

(*c*) Resisting or obstructing, actively or passively any officer in the execution of his duty.

(*d*) Wilfully disobeying or disregarding any obligation imposed by, or any lawful order made under, this Act or the Regulations.

Penalties.

39. Every person guilty of a contravention of this Act or of any regulations passed thereunder shall, where no penalty is expressly imposed, be liable to a fine not exceeding Fifty Pounds Sterling, or, in default of payment thereof, imprisonment with or without hard labour for a period not exceeding six months, or he may be sentenced to such imprisonment as aforesaid without the option of a fine.

Penalty incurred by ship's master.

40. Any penalty incurred by the Master of a ship shall be paid before the ship's clearance is granted. Notice in writing by the Immigration Restriction Officer to the Collector of Customs of any claim against the Master, owners or agents of a ship for a penalty shall be a sufficient authority to him to refuse the ship's clearance until such order is withdrawn or is set aside by the order or judgment of a Court. Such a notice to the Port Captain or Harbour Master shall be authority to him to refuse to take a ship or allow it to go outside the Bay to any outer harbour or anchorage. When such notice is given the Immigration Restriction Officer shall with all speed inform the Minister and take all such steps as may be necessary in order that proceedings in respect of the contravention may be instituted without loss of time.

Enforcement of money penalty.

Magistrate's jurisdiction.

41. The enforcement of any money penalty may be either by criminal prosecution or by civil action at the instance of the Immigration Restriction Officer. All contraventions of this Act or of the Regulations for which no special punishment is awarded, or for which no greater punishment than a penalty of One Hundred Pounds Sterling or imprisonment with or without hard labour is imposed, shall be cognisable by the Courts of Magistrates, who may in respect of any such contravention impose a penalty or punishment up to the said limits. Such imprisonment may in any criminal prosecution be awarded either absolutely or in default of the payment of a penalty. Notwithstanding the foregoing provision, the Magistrate having jurisdiction at any Port where a ship is detained under authority of this Act shall have jurisdiction in any civil suit wherein a penalty not exceeding Five Hundred Pounds Sterling is claimed from the Master or owners or agents of the ship.

SCHEDULE "A" (No.).

COLONY OF NATAL IMMIGRATION RESTRICTION ACT, 1903.

(TO WHOM IT MAY CONCERN.)

This is to certify that the person hereunder described is a fit and proper person to be received as an Immigrant into Natal.

Dated at

This day of 190 .

Signature.

DESCRIPTION.

Name.
Nationality.
Age.
Trade or calling.
Married or single.
Height. ft. ins.
General Description.
Marks.
Signature of holder.

Given at Government House, Natal, this Thirteenth day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

(B.)

GOVERNMENT NOTICE No. 621, 1898.

The following Rules respecting the grant of Passes for the purpose of temporary visits to the Colony or of embarkation have been made by the Governor in Council, under Section 16 of the "Immigration Restriction Act, 1897," and are herewith published for general information.

Colonial Secretary's Office, Natal,
October 27, 1898.

C. BIRD,
Principal Under Secretary.

IMMIGRATION RESTRICTION ACT, 1897.

Rules respecting the grant of Passes for the purpose of temporary visits to the Colony or of embarkation.

1. Any person being a prohibited immigrant within the meaning of "The Immigration Restriction Act, 1897," may apply to an officer thereto appointed by the Government for a pass to enter the Colony for a temporary visit, or for the purpose of embarking at the Port of Durban for some other country. Such passes shall be known as Visiting Passes and Embarkation Passes respectively, and shall be in the forms set forth in Schedules A and B.

2. The applicant shall attend before such officer, and shall answer all such questions as the officer may put in order to satisfy himself that the pass ought to be granted, and shall deposit with him the appointed sum of money, that is to say:—

For a Visiting Pass the sum of Ten Pounds Sterling, together with an additional sum of Five Pounds Sterling where the pass includes the wife or children of the applicant.

For an Embarkation Pass the sum of Twenty-five Pounds Sterling each adult, and Twelve Pounds Ten Shillings Sterling for each child appearing to the officer to be under the age of fifteen years.

3. The applicant shall at the same time lodge with the officer a fee of One Pound Sterling, which fee shall be paid to the revenue, and shall not be returned to the applicant, even though he should become entitled under Rule 8 to a return of the deposit.

4. No person shall be entitled of right to obtain a Visiting Pass or an Embarkation Pass, and the officer appointed to issue such pass shall have the discretion to grant or refuse any such pass, subject, however, to any direction which may be given to him by the Immigration Restriction Officer at Durban, or by the Colonial Secretary.

5. Except in the case of a person accompanied by his wife and children, under fifteen years, a separate pass shall be required for each person seeking to enter Natal for the purpose of a visit or of embarking.

6. A Visiting Pass shall be a sufficient authority for the person or persons named therein to enter the Colony and to remain there during the period stated in the Pass.

7. The duration of a Visiting Pass shall not exceed twenty-one days, but any officer appointed under "The Immigration Restriction Act" may for sufficient reason appearing extend the period from time to time by an endorsement upon the pass. No extension shall be granted for more than fourteen days at a time, and no such pass may be extended beyond six weeks from the date of the pass, except with the consent of the Colonial Secretary.

8. The money deposited for a Visiting Pass shall be retained by the officer receiving the same, or be transmitted to any officer if so instructed by the Immigration Restriction Officer at Durban, and shall be returned to the applicant upon his quitting the Colony within the time named in the pass or any extension thereof.

9. An Embarkation Pass shall be a sufficient authority for the person or persons named therein to enter the Colony and to proceed with all reasonable speed to the Port of Durban for the purpose of embarking by the first available opportunity for the destination stated in the pass.

10. An Embarkation Pass shall not be extended except by the Immigration Restriction Officer at Durban for sufficient cause to him appearing.

11. The money deposited for an Embarkation Pass shall be at once transmitted to the Immigration Restriction Officer at Durban, to be by him applied, upon the application of the person to whom it was granted, and so far as the sum deposited shall suffice for the purpose, in obtaining a passage for the person or persons named to the specified place of destination. Any balance of the money deposited shall be returned to the depositor upon the sailing of the ship, or may, in the discretion of the said officer, be expended in any other necessary or proper manner by desire of the depositor.

12. Any person being a prohibited immigrant within the meaning of "The Immigration Restriction Act, 1897," who shall enter Natal in pursuance of a Visiting Pass or an Embarkation Pass, and shall remain in the Colony beyond the time allowed by such pass, or by a lawful endorsement thereof, or who shall misuse the pass or allow any fraudulent use to be made of it, shall forfeit the money deposited by him.

Immigration Restriction Act, 1897.]

Schedule A.

VISITING PASS.

No....., 189...

Place of Issue.....

Date..... .....189..

Date of Expiry of Pass.....189...

(N.B.—Duration not to exceed 21 days.)

Sum deposited £.....

(N.B.—For one person the deposit must be £10. If wife and children included, £15. No persons other than wife and children may be included. If the Pass is issued to one person only, the words "or persons" and the headlines for names of wife and children must be struck out of the Pass.)

Holder .....

Nationality.....

Residence .....

Sex and Age .....

General description, height, and distinctive marks .....

.....

.....

Occupation .....

Names and ages of Wife and Children if included .....

.....

.....

SCHEDULE A.

Immigration Restriction Act (Natal), 1897.]

Schedule A.

VISITING PASS.

No. ....., 189..... Issued at.....

Date..... ....., 189.....

SUM DEPOSITED £.....

PERMISSION is hereby granted, on behalf of the Government of Natal, to the Person (or Persons) named below to enter Natal for the purposes of a Visit, and to remain in Natal for a period of Twenty-one Days, expiring on the. ....and no longer, unless the date be extended by a duly authorised officer.

This Pass is issued subject to the provisions of the Immigration Act of 1897. Any breach involves the forfeiture of the deposit, in addition to the punishments prescribed by law.

A.B., Officer.

Name of holder of the Pass.....

Nationality .....

Residence.....

Sex and Age.....

General description, height, and distinctive marks .....

.....

Occupation.....

Name and ages of Wife and Children if included .....

.....

Immigration Restriction Act, 1897.]

Schedule B.

EMBARKATION PASS.

No....., 189...

Place of Issue.....

Date.....

Sum deposited £..... .....

(N.B.—For each adult the deposit must be £25, and for each child under 14 years £12 10s. No person other than wife and children may be included. If the Pass is issued to one person only the words "or persons" and the headlines for the names of wife and children must be struck out.)

Holder.....

Nationality.....

Residence.....

Sex and Age..... .....

Occupation .....

General description, height, and distinctive marks .....

.....

....

Names and ages of Wife and Children, if included .....

....

....

Port of Embarkation.....

Destination .....

SCHEDULE B.

Immigration Restriction Act (Natal), 1897.]

Schedule B.

EMBARKATION PASS.

No....., 189..... Issued at.....

Date....., 189.....

SUM DEPOSITED £.....

PERMISSION is hereby granted on behalf of the Government of Natal to the Person (or Persons) named below to enter Natal in order to proceed without delay to the Port of....., in order to embark there by the first available opportunity for the place mentioned below.

This Pass is issued subject to the provisions of the Immigration Act of 1897. Any breach of its conditions involves the forfeiture of the deposit, in addition to the punishments prescribed by Law.

A.B., Officer.

Name of holder of Pass .....

Nationality .....

Residence .....

Sex and Age.....

Occupation.....

General description, height, and distinctive marks.....

.....

Names and ages of Wife and Children, if included..... ...

.....

Port of Embarkation.....

Destination .....

(C.)

GOVERNMENT NOTICE No. 156, 1899.

It is hereby notified, for general information, that the Governor in Council has approved the cancellation of the following Rule No. 3 of the Rules published under Government Notice No. 621, 1898, respecting the grant of passes for the purpose of temporary visits to the Colony or of embarkation, under Section 16 of "The Immigration Restriction Act, 1897."

RULE.

"The applicant shall at the same time lodge with the officer a fee of One Pound Sterling, which fee shall be paid to the revenue, and shall not be returned to the applicant, even though he should become entitled under Rule 8 to a return of the deposit."

C. BIRD,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
March 15, 1899.

(D.)

GOVERNMENT NOTICE No. 240, 1899.

The following amended Rule in substitution for Rule No. 2, framed under Section 16 of "The Immigration Restriction Act, 1897," and published under Government Notice, No. 621, 1898, has been approved by the Governor in Council, and is herewith published for general information.

C. BIRD,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
May 5, 1899.

2. The applicant shall attend before such officer and shall answer all such questions as the officer may put in order to satisfy himself that the pass ought to be granted, and shall deposit with him the appointed sum of money, that is to say:—

For a Visiting Pass the sum of Ten Pounds Sterling, together with an additional sum of Fve Pounds Sterling where the pass includes the wife or children of the applicant.

For an Embarkation Pass the sum of Ten Pounds Sterling for each adult, and Five Pounds Sterling for each child appearing to the officer to be under the age of fifteen years.

II.

Indian Immigration.

[No. 25, 1891.] (A.)

C. B. H. Mitchell,
Governor.

Law,

(Enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof.)

"To amend and consolidate the Laws relating to the introduction of Indian Immigrants into the Colony of Natal, and to the regulation and Government of such Indian Immigrants."

Preamble.

Whereas it is expedient to amend and consolidate the Laws relating to the introduction of Indian Immigrants into the Colony of Natal, and to the regulation and government of such Indian Immigrants:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

I.—Repeal.

Repeal of Laws, and reservation as to effect of repeal.

1. The several Laws following shall be and the same are hereby repealed, save and except so far as regards any appointment made under the said Laws or any of the same, and save also and except so far as regards all existing engagements to labour and the payment of any duties now due and owing to Her Majesty or the Indian Immigration Trust Board of Natal incorporated under the provisions of the Law No. 15 of 1880, entituled Law "To alter and amend Law No. 20, 1874, entituled Law 'To repeal Law No. 14, 1871, entituled Law To repeal Law No. 16, 1864, and to amend Law No. 2, 1870, and to create an Indian Immigration Trust Board to administer for the purposes of Immigration all funds which may be received by the said Trust Board,'" and all instalments of passage money now due and owing to the said Trust Board, and all interest thereon, and all fines and penalties incurred under the said Laws or any of them, all which engagements to labour may be enforced, and all which duties, instalments of passage money, interest, fines, and penalties shall and may be sued for and recovered under this Law, save also that all entries made in the general register of Indian Immigrants or other registers kept under the said Laws or any of them by the Protector of Indian Immigrants shall be valid, and all engagements to labour assignments of services and certificates heretofore made and granted, and all matters and things done heretofore under or by virtue of any of the said Laws shall be and continue in force in the same manner as if this Law had not been passed, and save that all rules and regulations made under the repealed Laws or any of them shall, on the taking effect of this Law, be deemed to be rules and regulations made under this Law, except where the same may be inconsistent with the provisions of this Law:—

Law No. 2, 1870, entituled Law "To amend and consolidate the Laws relating to the introduction of Coolie Immigrants into this Colony, and to the regulation and government of such Coolie Immigrants."

Law No. 12, 1872, entituled Law "To amend the Coolie Law Consolidation Law, 1869."

Law No. 19, 1874, entituled Law "To amend Laws No. 12, 1872, and No. 2, 1870."

Law No. 14, 1875, entituled Law "To amend the Laws relating to Indian Immigrants."

Law No. 19, 1878, entituled Law "To amend certain provisions of Law No. 2, 1870 (Coolie Laws Consolidation Law, 1869.)"

Law No. 16, 1881, entituled Law "To relieve the employers of Free Indian Immigrants from certain charges imposed by Law."

Law No. 21, 1882, entituled Law "To provide for the visitation and inspection of Indian Immigrants employed in the Upper Districts of the Colony of Natal."

II.—Protector and other Officers.

Appointment of Protector of Indian Immigrants.

2. The Governor may from time to time nominate and appoint some fit and proper person to be Protector of Indian Immigrants within this Colony, who shall hold office during pleasure, and such officer shall, as long as he shall hold his office, be entitled to have and receive, and be paid [*from and out of the funds at the disposal of the Indian Immigration Trust Board of Natal] an annual salary not exceeding Six Hundred Pounds.

* Omit.

Assistant Protector.

3. The Governor may from time to time nominate and appoint some fit and proper person to be assistant Protector of Indian Immigrants, who shall hold office during pleasure, and who shall, as long as he shall hold such office, be entitled to have and receive, and be paid [*from and out of the funds of the Indian Immigration Trust Board of Natal] an annual salary not exceeding Four Hundred and Fifty Pounds.

* Omit.

Deputy Protector.

4. The Governor may from time to time nominate and appoint some fit and proper person to be Deputy Protector of Indian Immigrants, who shall hold office during pleasure, and who shall, as long as he holds such office, be entitled to have and receive, and be paid [*from and out of the funds of the said Indian Immigration Trust Board of Natal] an annual salary not exceeding Four Hundred Pounds.

* Omit.

Office of Protector. Deputy Protector.

5. The Protector of Indian Immigrants shall have his office in Durban. The Deputy Protector of Indian Immigrants shall be stationed at such place as may be fixed and appointed from time to time by the Indian Immigration Trust Board, subject to the approval of the Governor in Council, and such Deputy Protector of Indian Immigrants shall have and exercise

Where stationed. His authority and duties.

within the District to which he shall be appointed, such and so many of the authorities rights and duties, vested by law in the Protector of Indian Immigrants, as the Governor in Council may from time to time and is hereby empowered to delegate to him.

Deputy Protector to be under Protector's orders and to furnish certain returns.

6. The Deputy Protector shall be under the orders and control of the Protector of Indian Immigrants, or the Assistant Protector when the Protector is absent from his office on duty, and is hereby required to transmit at the end of each month, or whensoever required by the Protector of Indian Immigrants, a return of all complaints to and of matters investigated by him, and a return of all estates or places and of employers of Indian Immigrant labourers visited by him, for submission to the Indian Immigration Trust Board.

Appointment of Officers by Indian Immigration Trust Board.

7. The Indian Immigration Trust Board may from time to time appoint such Clerks, Interpreters, and other Officers, as may be required to carry out the provisions of this Law, and such Officers shall be paid such salaries as may from time to time be determined by the Board from and out of the funds at its disposal. And the said Board may from time to time remove, suspend, or dismiss such officers, and appoint others in their places.

Status of Officers.

8. No officer appointed by the Governor or the Indian Immigration Trust Board, under the provisions of this Law, shall be deemed to belong to the permanent Civil Service of the Colony.

III.—Requisitions.

Requisitions for Indian Immigrants, how framed and made.

9. Requisitions by persons in Natal wishing to introduce or engage Immigrants from India shall be framed in terms of Schedule A hereto annexed. Every requisitionist shall be required to enter into a bond with two approved sureties, or to give other security to the satisfaction of the Indian Immigration Trust Board, for repayment of any loss which may arise or be incurred by reason of his not taking over any Immigrants which may be allotted to him; such bond shall be in such form as the said Board may require.

IV.—Contracts.

Terms of contract executed in India.

10. Every Indian Immigrant leaving India to come to Natal for hire shall, before leaving India, either be engaged to an employer named in his contract, or shall be taken as bound to serve any employer to whom he shall be allotted by the Protector of Indian Immigrants on his arrival at Natal.

Contracts of service executed in India.

11. Every Indian Immigrant shall in India sign a contract either in the terms and form of Schedule B, or in the form of Schedule C hereto annexed according as it may be necessary for him to enter into a special contract to serve an individual employer therein named, or a contract with the Protector of Indian Immigrants to serve any employer to whom he may be allotted by the Protector of Indian Immigrants at Natal, and in either case the contract so signed shall *inter alia* bind him to a service of five years.

Effect in this Colony of contracts executed in India.

12. Every such contract executed in India upon any such requisition shall have the same force and effect as if the same had been executed in this Colony, and it shall not be necessary to the validity thereof to execute any further contract in this Colony, and the Protector of Indian Immigrants shall deliver to each employer a return embodying the terms of such contract.

Registration of engagement under any Indian Act to be valid as a contract.

13. The registration of any engagement in India of any Native of India made pursuant to any act in force in India for the time being, shall be deemed equivalent to, and shall have and shall be deemed to have had, for all purposes whatsoever, the same source and effect as if the said registration of engagement were or had been a written and signed contract in India under this Law, whether such registration shall have been made at any time before the passing of this Law, or whether the same shall be made after the passing thereof; and certified copies of any such registration entries made or signed by the Protector of Indian Immigrants shall be received as evidence in any Court of Justice within this Colony.

Powers of Protector under Ordinance 2, 1850.

14. The Protector of Indian Immigrants shall, as regards free Indian Immigrants, be *ex officio* an officer to attest and make contracts of service and apprenticeship under Ordinance No. 2, 1850.

V.—Duties of Protector on Arrival of Immigrants.

Duties of Protector on arrival of Immigrant vessels.

15. The Protector of Indian Immigrants, or in his absence the Assistant Protector, shall board every ship arriving at this Colony with Indian Immigrants, and shall ascertain and report to the Governor and to the Indian Immigration Trust Board the number of Immigrants embarked in her, the state of their health, the number of deaths which have occurred on the voyage, and whether the provisions of the charter party under which such Immigrants have been conveyed from India have been performed, and the said Protector of Indian Immigrants shall cause such Immigrants to be landed and conveyed to the Indian quarters on the Bluff, and shall thereupon assign the said Immigrants in the manner provided by this Law, and until the time of assignment shall provide them with proper and sufficient food and clothing; and shall as soon as possible after the arrival of the Immigrants at the depôt, give notice to the requisitionists of the arrival of the Immigrants and stating the probable number for such requisitionists.

Assignment and housing of Immigrants.

Notice to requisitionists.

VI.—Register of Immigrants.

Register of Immigrants.

16. The Protector of Indian Immigrants shall keep a "register," in which shall be entered the names of all Indian Immigrants who may hereafter be introduced into this Colony at the expense of the Indian Immigration Trust Board of Natal, and shall number each of such

Immigrants by a particular number commencing with the number next after the last number now recorded in the register kept under the repealed Laws, and proceeding by numerical progression, and shall distinguish therein, under different heads, the number, name, age, and sex of every such Immigrant, and the time when, and the place from which, and the vessel in which, such Immigrant shall have arrived.

VII.—Assignment of Immigrants.

Assignment of Immigrants to employers.

17. It shall be lawful for the Protector of Indian Immigrants, after the arrival of the Immigrants at the depôt, to assign the services of any Indian Immigrants who shall have executed the usual contract in India in terms of Schedule B, attached to this Law, to any applicants who may be entitled to such assignment, at such rate of wages, and on such conditions as to wages and food as may have been stipulated in India by the Agent toward such Immigrant: Provided, however, that the assignment of females and younger persons shall be only for such lighter varieties of labour as such female Immigrants and younger persons are fitted for: And provided always that in any such assignment no Immigrant shall be assigned to any applicant other than the applicant who applied for Indians prior to the Indian Immigration Trust Board sending for such Indians, until the applicant shall have received the number applied for by him: And provided, also, that in such assignment the wishes of the Immigrant shall, as far as possible, be ascertained and attended to; and that in no case whatever shall any husband and wife, nor any parent and child, be assigned to different employers; and pending and until such assignment, the Immigrant must work and obey the directions of the Protector of Indian Immigrants, or such person as the Protector of Indian Immigrants may appoint, or the person in charge of the depôt.

Women's and children's labour.

Priority of applications.

Families not to be separated.

VIII.—Payment of Passage Money.

Annual payment by assignee of Indian Immigrant to Indian Immigration Trust Board.

18. In respect of any male statute adult Indian Immigrant heretofore or to be henceforth brought into this Colony, there shall upon each and every assignment during the term of assignment, be paid to the Indian Immigration Trust Board by the person to whom the services of any such Indian Immigrant shall be assigned for each and every such Indian so assigned such yearly sum as shall from time to time be fixed by the said Trust Board, subject to the approval of the Governor in Council, with power to the said Board to increase or reduce such payments from time to time during the term of assignment as the said Board shall deem necessary, subject to the approval of the Governor in Council, which said annual payments shall be made in advance, that is to say, the first payment shall be made on the date of the assignment, and the subsequent payments at the commencement of each following year, reckoning from the date of the assignment, which payments shall be made notwithstanding that such Immigrant may have deserted or have been imprisoned during the term of assignment: Provided always, that no demand for payment shall be made on the person to whom the services of any such Indian Immigrant shall have been assigned, in respect of any such Indian Immigrant who shall have died, or whose services shall have been legally transferred from any such person or employer prior to the date of the next annual payment falling due.

Proviso as to payment in cases of death or transfer of Indian Immigrant.

Aforesaid annual payments how and when payable.

Interest on arrears.

19. Each and every aforesaid annual payment shall be paid on the date of its becoming due without any demand being made therefor, and in case any such payment shall not be made on the date on which the same shall fall due, there shall be payable in addition by the person by whom the said annual payments shall be payable a charge of interest at the rate of eight per centum per annum from the due date of each and every annual payment to the day on which the said payments shall be made.

Certain moneys due to Board made a first charge on debtor's estate.

Limitation of action.

20. All monies due to the Indian Immigration Trust Board, under the provisions of this Law in respect of such annual payments, interest and medical fees shall be and are hereby declared to be a first charge on the property or estate of the person by whom the same shall be payable, and all such monies shall be a first charge and shall take priority of all charges and encumbrances whatsoever and whensoever made upon and over the property, movable and immovable, of such person; and provided further that such claims so due shall have been demanded and legal proceedings shall have been taken to recover the same within six months from the time that the same fell due, or in the event of the insolvency of the debtor, that the same shall have been duly proved in the estate within a like period or within such period as other debts in the estate can be proved.

Quarterly return of arrears of instalments.

*Read Secretary to the Board.

Recovery of arrears.

*Read Secretary to the Board.

21. It shall be the duty of the [*Protector of Indian Immigrants,] and he is hereby directed to prepare and submit for the consideration of the Indian Immigration Trust Board as soon as possible after the 31st March, 30th June, 30th September, and 31st December, in each and every year, a return setting forth the names of all persons in arrear with their instalments, and the date upon which the same became payable, and the said Board shall take such action thereon as to it shall appear advisable, and whenever any such instalment is in arrear for a period of five months, it shall be the duty of the [*Protector of Indian Immigrants] to take legal proceedings for the recovery of the same with interest thereon as aforesaid.

IX.—Removal from Depôt.

Time within which Immigrants are to be removed from depot.

22. Every person at whose instance, or on whose requisition any Indian Immigrant shall be brought to this Colony shall receive and remove such Immigrant from the Depôt on the day fixed for allotment, provided that if such person resides thirty miles or further from Durban, then within seven clear days after such Immigrant shall have been allotted, and in case of any default on the part of any such person or requisitionist to claim and remove such Immigrant within the said period, he, the said person or requisitionist, shall pay to the Indian Immigration Trust Board of Natal one shilling per diem for each Immigrant to cover the cost and maintenance of such Immigrant for every day such Immigrant shall continue in the depôt after the

Quarantine.

expiration of the said period: Provided always, that should any Immigrants be placed in quarantine such Immigrants shall not be allotted until after their release from quarantine, and in any such case the date of their arrival at the depôt shall be taken to be the date of their release from quarantine.

Assignment in case of non-removal.

Maintenance money payable by requisitionists.

Removal by assignees.

23. In case any person, at whose instance or on whose requisition any Indian Immigrant shall be brought into this Colony, shall fail to claim and remove such Immigrant as shall be allotted to him within fourteen days from the date of allotment, it shall and may be lawful for the Protector of Indian Immigrants to assign any such Immigrant to any other person willing to accept any such assignment: Provided always, that should the Protector of Indian Immigrants so assign any such Immigrant to any other person, the payment of one shilling per diem, as in the last preceding clause mentioned, for the cost and maintenance of such Immigrant at the depôt to the date of such assignment, shall be paid by the said person or requisitionist to whom the said Immigrant was in the first place allotted. And in case any such Immigrant shall be so assigned to any such other person as aforesaid, he, the said other person shall remove the said Immigrant forthwith from the depôt under a penalty of one shilling and sixpence per diem for each day the said Immigrant shall, by default of the said person, remain in the depôt after the date of such assignment.

Days and hours of labour.

Sundays and holidays. Proviso as to other holidays.

Forms of contract.

24. Every such Indian Immigrant whose services shall be so assigned or transferred, in the absence of an express agreement to the contrary, between such Indian Immigrant and the person entitled to his services under such assignment or transfer, shall be bound to work for such person to whom his services may have been assigned for nine hours of each day, Sundays, Good Friday, Christmas Day, and New Year's Day only excepted: Provided always, that it shall be lawful for the Governor with the advice of the Executive Council, from time to time to make regulations for allowing to Indian labourers such holidays or days to be observed as religious festivals as to him shall seem fit. The forms of contract to be entered into shall be as near as may be in the form in Schedules J and K hereto annexed.

Immunity of field labourers from work on Sundays and holidays except in certain matters of necessity.

Duration of work. Proviso as to extra labour.

25. No Indian Immigrant engaged for field labour shall be compelled to perform any work on any Sunday or holiday save only such as shall be of immediate necessity for the care and feeding of animals, the cleanliness of yards, sties, stables, folds, manufactories and buildings, and other work indispensable for the preservation of the property of his employer. Such work shall not be of more than two hours' duration nor be continued after the hour of eight in the morning: Provided that in every case in which work shall, at the request of the employer, be willingly performed by any servant beyond the time limited by law as mentioned above on any Sunday or holiday, the remuneration paid for such extra labour shall be specially mentioned in the wages book.

Penalties for contravention of Section 25 by employer.

Penalty for field labourer's refusal to work.

26. Any employer, contravening the provisions of the above section shall be liable to a penalty not exceeding two pounds on conviction, at the instance of the Protector of Indian Immigrants, by any Magistrate within whose jurisdiction the offence was committed. Any Indian Immigrant, engaged for field labour, refusing or neglecting to perform work which he may be required to perform under the above section, shall be liable to a penalty not exceeding one pound on conviction, at the instance of the Protector of Indian Immigrants or of the employer of such Indian Immigrant, by any Magistrate within whose jurisdiction the offence was committed.

X.—Wages, &c.

Wages book to be kept by employer. Admissible in proof of payment of wages. Inspection thereof.

27. Every employer of Indian Immigrants, whether indentured or free, such Immigrant not being employed as a domestic servant, shall keep a wages book, the pages whereof shall be ruled and divided in the form of the Schedule D hereto annexed, and such book, if duly and properly kept and regularly entered up shall be admissible as evidence in any Court as *primâ facie* proof of the amount due for wages to any Indian employed on the estate in respect of which such book shall be kept, and such book shall at all times be open to the inspection of the Protector, Assistant Protector, or Deputy Protector of Indian Immigrants.

Wages to be a first charge on all employer's property.

Exception.

28. All moneys due to Indian Immigrants for wages shall be a first charge upon, and shall take priority of all charges and encumbrances whatsoever and whensoever made upon and over their employer's property, movable and immovable, in respect of which such Indians were employed, save and except moneys due to the Indian Immigration Trust Board, and made a preferent charge under the provisions of this Law: Provided, however, that such claims for wages shall have been demanded and legal proceedings taken by the Protector, Assistant Protector, or Deputy Protector of Indian Immigrants, to recover the same, within six months from the time that the same became due, or in the event of the insolvency of the employer, that the same shall have been duly proved in the estate by the Protector, Assistant Protector, or Deputy Protector of Indian Immigrants, or other person duly appointed by the Protector on behalf of such Indians within a like period, or within such period as other debts in the estate can be proved.

XI.—Deductions from Wages.

Deduction from wages for repayment of advance.

29. The person in respect of whom the service of any Indian Immigrant shall be in the first instance assigned or transferred, may deduct by monthly instalments of two shillings from the wages of such Immigrant the amount mentioned in each assignment as having been advanced to such Immigrant previous to his or her embarkation in India.

XII.—Absence without Leave, &c.

Arrest of Immigrant found beyond one mile from employer's residence without leave.

30. It shall be lawful for every person entitled to the services of any Indian Immigrant, or for any servant of such person, or for any constable, to apprehend without a warrant such Immigrant being found at a distance of more than one mile from the residence of the person in respect of whom his services shall be due without a written ticket of leave, signed by the master

or by some person duly authorised by him, and to cause such Immigrant to be taken back to such residence. It shall be lawful for such master or employer to deduct the costs of such Immigrant's return from the wages then due, or which may thereafter become due, to the Immigrant: Provided that every Indian Immigrant shall be free from such arrest if, when so found, he shall be on his way to lodge any complaint before the Protector of Indian Immigrants, or the Magistrate of the Division wherein his place of service is situated. If the said Magistrate shall be of opinion that the complaint is frivolous or vexatious, or without just cause, the cost of the Immigrant's return from the Court of the Magistrate to the residence of the master or employer shall to stop any such Immigrant found upon or about such land or house, and, if such Immigrant be paid by such master or employer, who is hereby authorised to deduct the amount of such costs from the wages then due, or which may thereafter become due, to such Immigrant: Provided always, that it shall not be lawful for any master or employer, deducting the costs to which this section refers, to retain in any one month more than one-half of the monthly wages to which the Immigrant is by law entitled.

Deduction of cost of Immigrant's return. Exemption from arrest when on way to lodge complaint.

If complaint frivolous, cost of return to be deducted from wages.

Limit of deduction.

31. It shall be lawful for the Protector of Indian Immigrants or any Magistrate or Justice of the Peace or any police constable to stop any Indian Immigrant wherever he may find him, and also for the owner or occupier or the servant of any owner or occupier of any land or house being so required shall fail to produce his certificate or discharge, or a written ticket of leave signed by his master or by some person duly authorised by him to whom his services may be due, save in the exceptional circumstances contemplated by the first proviso of the preceding section, to take such Immigrant forthwith before the nearest Magistrate who shall forthwith enquire into the case. Unless such Immigrant shall satisfy such Magistrate that he has obtained his discharge, or that he is absent from the estate or residence of the person in respect of whom his services shall be due with the leave, in writing, of his master or the manager or other person in charge of such estate, then and in such case, for a first offence, such Immigrant shall be punishable by the Magistrate aforesaid by a fine not exceeding ten shillings or by imprisonment with hard labour for any term not exceeding seven days, and for a second offence, by imprisonment with hard labour for any term not exceeding fourteen days, and for every subsequent offence by imprisonment with hard labour for any term not exceeding thirty days. It shall be the duty of such Magistrate to communicate to the master or employer of any Immigrant so punished the fact of the imposition of a fine or of the committal to prison, with the date on which such fine was imposed or on which the term of imprisonment was awarded, and after payment of such fine or at the expiration of the term of imprisonment, should such master or employer not claim the Immigrant, the said Magistrate shall forward the Immigrant to his master or employer. The costs of such return shall be paid to the Magistrate by the master or employer, who is hereby authorised to deduct the amount of such costs from the wages then due, or which may thereafter become due, to such Immigrant: Provided that it shall be lawful for the Magistrate, if he be unable to ascertain such master or employer, to forward the Immigrant to the Protector or Deputy Protector of Indian Immigrants for identification, and the total costs incurred in such return shall be paid by the master or employer, who is hereby authorised to deduct the amount from the wages then due, or which may thereafter become due, to such Immigrant.

Protector, Magistrate, &c., may stop Immigrant and demand certificate of discharge or pass.

Failing production Immigrant may be brought up and dealt with by Magistrate.

Payment of costs of return.

32. When any Indian Immigrant shall have been thrice convicted for the offence of absence from his master's service without a written ticket of leave as contemplated by the preceding section, and it shall not appear to whom such Immigrants services are legally due under assignment, it shall be lawful for the Protector of Indian Immigrants to assign the services of such Immigrant to any person who shall be willing to accept and pay the charges of such assignment; and if no person shall accept such assignment within ten days from the release of such Immigrant from prison, the Protector shall assign the services of such Immigrant to the Colonial Government for employment in any public works: Provided always, that on every such case of re-assignment, the Protector of Indian Immigrants shall, when it can be ascertained to whom such Immigrant was originally assigned, pay to such original employer the sums paid by him consequent upon the original assignment of such Immigrant, less the sum of Five Shillings per month for each month such Immigrant served such original employer, and provided that, after such re-assignment, the original employer shall not be liable for any instalment of payment accruing after such re-assignment: Provided further, that in case the original employer shall elect, he may call upon the Protector of Indian Immigrants to cancel such second assignment, and to restore to him the services of such Immigrant, and such Immigrant shall be compelled to render such original employer actual service for the time he was originally assigned, and the person to whom such Immigrant was re-assigned, when such re-assignment shall be cancelled, shall be entitled to have re-paid to him by the Protector of Indian Immigrants such sum as he may have paid on such second assignment, minus the sum of Five Shillings per month for each month such Immigrant shall have served such second employer.

Assignment of Immigrant thrice convicted for absence from service to another person or to Government.

Proviso as to payments to be made to original employer who may claim cancellation of second assignment.

33. Every Indian Immigrant who shall unlawfully absent himself from work shall forfeit, in addition to losing all claim to wages and allowances during such absence, a uniform amount of one shilling per diem if a male, and sixpence per diem if a female for each day's absence, and such sum may be retained by the employer from any wages which may be due by him to such Immigrant previous to such absence: Provided, that in the case of any male Immigrants who are indentured as special servants, and to whom in the terms of the indenture the monthly rate of wages payable shall be thirty shillings or more, the employer shall be entitled to deduct the sum of two shillings per diem in lieu of one shilling, as provided in this section: Provided also, that such forfeiture shall not in any one month exceed the amount of wages for such month due to the Immigrant upon whom such forfeiture is imposed, and that it shall not be levied in respect of Sundays and the holidays by this Law provided, save as required by the Law providing for the performance, on Sundays and the holidays by this Law provided, of work immediately necessary for the preservation of the employer's property: Provided, further, that in the event of a complaint being made by such Immigrant on account of the non-payment of wages so retained, before a Magistrate of the Division wherein such Immigrant's place of service

Penalty for unlawful absence from work.

Proviso as to male Immigrants indentured as special servants.

Limits of forfeiture. Limits.

On complaint employer to justify deduction.

is situated, the employer shall be bound to justify such retention to the satisfaction of the said Magistrate: Provided, fourthly, that should such unlawful absence exceed twenty-five days in any one year the employer may claim, in lieu of such period of absence or any portion thereof, a prolongation of the contract for a period equivalent to two days for so many several days of such unlawful absence as shall not have subjected such Immigrant to the forfeiture aforesaid: during such prolongation of the contract the Immigrant shall receive wages at the same rate and allowances on the same daily scale as he would have been entitled to during the period of unlawful absence which shall have occasioned such prolongation of the contract.

Prolongation of contract if absence exceeds 25 days in any one year.

Absence not to be deemed unlawful in certain cases.

34. No Indian Immigrant shall be deemed to be unlawfully absent from work within the meaning of the foregoing section, if it shall appear by a certificate, signed by a duly qualified medical practitioner, that the absence from work was occasioned by incapacity resulting from sickness, or bodily infirmity, not caused by his or her own act, or if special circumstances, sufficient to justify such absence, shall be shown to the satisfaction of the aforesaid Magistrate: Provided that every Immigrant during absence from work by reason of sickness or bodily infirmity, not caused by his or her own act, shall be supplied by his or her employer with food, shelter, and, except when otherwise provided, with medical attendance and medicine, but shall be liable in respect of such absence from work through sickness or bodily infirmity to a deduction from his or her wages, for every day of such absence, at the rate of fourpence per diem during the first and second years of indenture, and sixpence per diem during the third, fourth, fifth years of indenture.

In such cases employer to supply food, shelter, &c. Deduction therefor.

Punishment for absence without leave from roll-call, neglect of work, or disobedience.

35. Any Indian Immigrant who, being in good health and able to work, shall absent himself from muster or roll-call without leave, or who shall neglect to perform any work which his employer, or person duly authorised by him, may reasonably order him to perform, or who shall without just cause, wilfully disobey the orders of his employer, or of any person duly authorised by him, shall be deemed to be guilty of misconduct and shall be punishable in addition to the forfeitures specified in the thirty-third section for unlawful absence from work, by the Magistrate of the division wherein his place of service is situated, by imprisonment, with or without hard labour, for any term not exceeding seven days for the first offence, by imprisonment with hard labour for any term not exceeding fourteen days for the second offence, and for every subsequent offence by imprisonment with hard labour for any term not exceeding thirty days, with spare diet, if the Magistrate shall so adjudge, for any portion not exceeding one-third of such last-mentioned term of imprisonment.

Punishment for gross insolence, fraud, deception, damage to employer's property.

36. Any Indian Immigrant, who shall be grossly insolent to his employer, or who shall practice any fraud or deception in the performance of any work which he is bound to perform, or who shall, by negligence or other improper conduct, lose, throw away or damage the property of his employer, shall be punishable by the Magistrate of the Division, wherein his place of service is situated, by a fine not exceeding Five Pounds, or by imprisonment with hard labour for any term not exceeding thirty days.

Punishment upon second conviction, or for injury to property by fire, maiming or wounding of stock.

37. Any Indian Immigrant who may be found guilty a second time of any offence specified in the foregoing section, or who shall endanger the property of his employer by the careless use of fire, or who shall wilfully maim, wound, or cruelly ill-use any live stock or cattle belonging to his employer, or entrusted to such employer's care, or who by negligence shall suffer any such live stock or cattle to be maimed, wounded, or cruelly ill-used, shall be punished, on conviction before any Magistrate of the Division wherein his place of service is situated, or wherein the offence was committed, by imprisonment with hard labour for any term not exceeding three months, with spare diet, if such Magistrate shall so adjudge, or any portion not exceeding one-third of such term: Provided, that nothing herein contained shall be a bar to the prosecution before the Supreme or Circuit Court under the common law of the Colony, if the Attorney-General so direct, of any Indian Immigrant accused of wilfully maiming, wounding, or cruelly ill-using any live stock or cattle belonging to his employer, or entrusted to such employer's care, or accused of aiding and abetting any wilful maiming, wounding, or cruelly ill-using such live stock or cattle.

Saving as to prosecution under the common law.

Immigrant found on premises without pass.

38. Any person on whose premises any assigned Indian Immigrant may be found without a pass may send information to the Protector or the Deputy Protector of Indian Immigrants, or to the nearest Magistrate, who shall, upon receipt of such information, take steps to have such Indian Immigrant brought before the Magistrate having jurisdiction, to be dealt with according to the provisions of this Law.

XIII.—Transfer of Immigrants.

Immigrant may be transferred by leave of Protector if no consideration be given.

39. Any requisitionist may, with the leave of the Protector of Indian Immigrants, have any Indian Immigrant whom such requisitionist had applied for, and who shall be under a contract to serve him or serve any employer to whom he should be allotted, transferred to any other person upon production of an affidavit to the Protector of Indian Immigrants that no consideration or value has passed or been promised for such transfer.

Tacit re-location on transfer of estate.

40. If after the date when this Law shall come into operation, the estate or place on which any Indian Immigrant shall be engaged to work, shall be sold, alienated, or transferred to, or succeeded to by another person during the currency of the contract, the Immigrant shall be bound, subject to the approval of the Protector of Indian Immigrants, to perform all the conditions of the contract, to the new proprietor of the estate or place, who, in like manner, shall be held bound to perform the stipulations thereof incumbent upon the employer.

Relief of former employer from obligations.

41. Upon any new proprietor being substituted under a contract in terms of the foregoing provisions, the former employer will be entitled to be freed from the obligations incumbent on him by the contract, provided that he shall satisfy the Protector of Indian Immigrants that the Immigrants will not suffer thereby, and provided that all arrears of wages be paid before the former proprietor shall be so liberated.

Conviction not to operate as a transfer or assignment.

42. No conviction of an Indentured Indian Immigrant of any crime under the ordinary Law of the Colony, or of any offence under this or any other Law, and sentence of imprisonment thereupon shall be construed or held to operate as an assignment or transfer of the services of such Indentured Indian Immigrant from the person or estate or place entitled to the service of such Immigrant at the time of the committal of such crime or offence.

Cancellation of contract by Protector and re-assignment of Immigrant.

43. It shall be lawful for the Protector of Indian Immigrants, subject to such terms and conditions as to instalments and all other money payments as may be approved of by the Indian Immigration Board, on the application of the employer of any Indentured Indian Immigrant, or of such Immigrant, to cancel and determine the contract of service of such Immigrant, and to assign such Immigrant to some other person for the residue of the original term of service of such Immigrant.

XIV.—Evidence of Execution of Contract, &c.

Handwriting of Protector or Assistant Protector, evidence of execution of certain documents and of facts recited therein.

44. Proof of the handwriting of the Protector of Indian Immigrants or Assistant Protector to any assignment or transfer of the services of any Indian Immigrant, or to any certificate or other document mentioned in this Law, shall be sufficient evidence of the execution of the same and of the facts mentioned in such assignment, transfer certificate, or other documents.

XV.—Inspection of Estates and Places where Indians are Employed.

Inspection of estates and places where Indians are employed.

Enquiry into complaints.

This section not to apply to domestic servants.

Governor may require further returns from employers.

45. It shall be lawful for the Protector of Indian Immigrants or Deputy Protector or any other person duly authorised by the Governor for that purpose, and the Protector of Indian Immigrants or Deputy Protector or other person duly authorised is hereby required, twice at least in every year, to enter into and upon every estate or place in the Colony of Natal where any Indian Immigrant may be employed, and to inspect the state and condition of all Indian Immigrants whom he may find upon such estate or place and enquire into any complaint which the employer may have against such Immigrant or such Immigrant may have against his employer, and shall ascertain whether such Immigrants are properly treated, and shall report the result to the Governor. Nothing in this section contained shall apply or be deemed to be applicable to Free Indian Immigrants employed as domestic household servants: Provided also, that the Governor may from time to time require from every employer of Indentured Immigrants such further returns as the Governor may see fit to direct as to the number, state, and condition of such Indentured Immigrants, and every such employer shall be bound to send in such return in manner and time as directed.

Governor may authorise Protector, Assistant Protector, and Deputy Protector when visiting estates to administer this Law in regard to Masters and Servants.

Powers conferred.

46. The Governor may, by writing under the hand of the Colonial Secretary, authorise and appoint, from time to time, the Protector, the Assistant Protector, and also the Deputy Protector of Indian Immigrants, to carry out and administer in any estate or place which he may enter into and upon for the purposes of Section 45 of this Law, any and all of the provisions of this Law as to the relations between Master and Servant; and the said Protector, Assistant Protector, and also the Deputy Protector of Indian Immigrants, shall have the same powers and authorities for hearing and determining complaints and enforcing his decision and judgment thereon as a Magistrate has.

Protector may call for records of Criminal Cases tried by Magistrate and appeal to Supreme or Circuit Court.

47. The Protector of Immigrants shall be empowered, in any criminal case in which an Indian Immigrant may be concerned, and in which a Magistrate shall have adjudicated, to call for and obtain from such Magistrate, and such Magistrate shall be required upon such demand to furnish, without delay, a copy of the record, proceedings, evidence, and judgment in such case; and the Protector may, if he shall so think fit, give notice of appeal, and prosecute an appeal to the Supreme Court, or the Circuit Court having jurisdiction, against the judgment of the Magistrate, without payment of any fees of the Magistrate's Court, or of the Supreme or Circuit Court, and without any cost to such Indian Immigrant; and the Supreme or Circuit Court shall have power to entertain the appeal so instituted by the Protector of Immigrants, and to adjudicate thereon.

XVI.—Medical Care, &c.

Employer to provide medical care for Immigrants.

Register.

48. Every person in whose employ any Indian Immigrant may be shall be bound to provide proper and sufficient medical care and proper and sufficient medicine and attendance for such Indian Immigrants, and to keep or cause to be kept a "general and medical register book" in such manner and form as the Indian Immigration Trust Board may from time to time direct.

Returns as to number and state of Immigrants may be demanded from employer.

Quarterly returns.

* Read Indian Immigration Trust Board.

49. It shall be lawful for the Protector or Deputy Protector of Indian Immigrants from time to time to require from any employer of such Immigrants such returns as either of them may see fit to direct, as to the number, state, and condition of such Immigrants, and such employer shall be bound to send in such return to the officer requiring the same within one calendar month next after he shall have been notified so to do. A return in the form of Schedule E shall be made up by each employer of Indian Immigrants, Free or Indentured, and sent into the [*Protector of Indian Immigrants] quarterly.

Appointment of medical practitioners for estates, &c.

50. The Indian Immigration Trust Board of Natal may and is hereby authorised to appoint a duly qualified medical practitioner to attend upon the Indian Immigrants employed upon any estate or elsewhere, and upon any such appointment, the proprietor of the estate or the employer of such Immigrants shall be released from his obligation to obtain a duly qualified medical practitioner to attend upon such Immigrants. And every employer of Indian Immigrants, not being free domestic servants, on any estate or place for which estate or place the said Board may have appointed a medical practitioner, as aforesaid, shall pay quarterly on or

Contribution by employers. * Read Indian Immigration Trust Board. Medical Fund. Its application. Limit of contribution.

before the 10th January, 10th April, 10th July, and 10th October in each year to the [*Protector of Indian Immigrants] a sum not exceeding One Shilling Sterling per month for every male statute adult Immigrant in the service of such employer, and the Protector of Indian Immigrants shall pay such moneys to the Indian Immigration Trust Board, to be paid by such Board into a special fund, to be called the "Medical Fund," and the Indian Immigration Trust Board shall, out of the said moneys, pay such salaries for medical practitioners as shall from time to time be determined by the said Board, and shall otherwise pay and apply such moneys in such manner and for such purposes connected with the collection and administration thereof, and medical attendance and accommodation for Indian Immigrants as the said Trust Board may deem expedient: Provided, that no employer of less than four hundred of such male adult Immigrants shall pay more than Thirty Pounds per quarter, or One Hundred and Twenty Pounds per annum, under the provisions of this Section, on account of Indians employed on the same estate or on estates situated within the same medical district or circle: And provided that in case the number of such adult male Immigrants employed by the same employer on the same estate or on estates situated within the same medical district or circle shall be four hundred or more, the amount payable by such employer under this Section shall be Forty Pounds per quarter, or One Hundred and Sixty Pounds per annum.

Age of adult male for purposes of Sec. 50.

51. The age of eighteen years and upwards shall be, and is hereby declared to be the age of an Indian Immigrant male adult for the purpose of the foregoing Section.

Examination of Immigrants at depôt by Medical Board. * Read Indian Immigration Trust Board. Unfit persons may be returned to India.

52. As soon as conveniently may be after the arrival of Indian Immigrants at the Port of Durban, and before their assignment to any employers, the said Indian Immigrants whilst at the depôt shall be examined by a Medical Board, consisting of two members duly appointed for that purpose by the [*Protector of Indian Immigrants]. Any Indian Immigrant pronounced by the said Medical Board to be unfit for work by reason of physical or mental disability, may be detained at the depôt, and thereafter as soon as conveniently may be after such examination, be returned to the Indian port whence he or she embarked. Any expenses incurred in the medical examination, detention, and return of any Indian Immigrants, shall be borne and defrayed by the Indian Immigration Trust Board.

Exemption of Immigrant women from service in certain cases.

53. Any Indian Immigrant woman shall be exempt from rendering any labour or service to her employer, upon the certificate of the Medical Officer that she is unfit to render such labour or service, or that her duties as a mother require the whole of her time, strength, and attention.

XVII.—Hospitals.

Hospitals may be required to be erected and maintained for an estate or for adjoining estates. Definition of "adjoining estates." Agreement of several owners for a common hospital. Proviso as to estates within a Medical circle.

54. In every case where a larger number than twenty Indian Immigrants, indentured and free, or indentured or free, are, or shall be, in service on any one Estate, or on adjoining Estates belonging to, or in the occupation of, the same person, the owner or occupier of such Estate or Estates may be required by the Protector of Indian Immigrants, and when so required, shall be bound to have and maintain on such Estate, or on one or other of such Estates as the case may be, a proper and sufficient building, to be approved by the Protector of Indian Immigrants, or by some person appointed by him, as an hospital for such Indians, and to have at all times therein a proper and sufficient supply of medicines and medical comforts: Provided, that for the purposes of this section Estates belonging to, or in the occupation of the same persons, may be deemed to be adjoining Estates if situated within a radius of six miles: And provided, also, that it shall and may be lawful for any two or more owners or occupiers of Estates to arrange together, with the sanction of the Protector of Indian Immigrants, for the establishment and maintenance of a common hospital for such several Estates where circumstances admit of such an arrangement being conveniently carried out: Provided, that as to Estates situated within a medical circle, this section shall only apply where the Medical Officer, with the approval of the Protector of Indian Immigrants, shall see fit to enforce its provisions.

Treatment of Immigrants affected with venereal diseases.

55. Whenever an indentured Immigrant is known to be affected with any venereal disease, the employer of such indentured Indian Immigrant, or the Medical Officer of the Circle in which the Indian is employed, shall, if such indentured Indian Immigrant be willing, cause him to be taken to a Central Hospital, to be received and detained there for medical treatment; and he shall not be discharged therefrom until reported cured; and the order of such employer or medical officer shall be sufficient warrant to the officers of such Central Hospital for receiving and detaining such Indian Immigrant until he be reported cured.

Procedure in case of such Immigraut showing unwillingness to go to hospital.

56. If any such indentured Indian Immigrant, known as in the last preceding section mentioned to be affected with any venereal disease, shall not willingly go to any such Central Hospital, he may be arrested and detained in custody, and taken as soon as may be before the Magistrate of the Division, who shall examine into the matter and hear the objection of such indentured Indian Immigrant, and take such evidence as may be brought forward by such employer and Medical Officer of the Circle, and shall thereupon determine the matter, and may make order that such indentured Indian Immigrant shall be taken to the Central Hospital, and be there received and detained until he be reported cured; and such order shall be a sufficient warrant to the officers of such hospital for receiving such indentured Indian Immigrant, and detaining him until he shall be reported cured.

Deduction from wages for cost.

57. All costs and expenses connected with and arising out of the removal of such indentured Indian Immigrant to a Central Hospital, and of his detention and treatment therein, may be deducted by the employer from the wages of such indentured Indian Immigrant.

Cost of maintenance of lunatic.

58. The cost of removal to and from, and the maintenance in, any lunatic asylum of this Colony of any Indian Immigrant, indentured or free, confined therein as an insane person, under the provisions of "The Custody of Lunatics Law, 1868," shall be defrayed by the Indian Immigration Trust Board, the funds of which Board are made chargeable with such costs.

XVIII.—Exemption of Immigrants from Imprisonment for Debt, &c.

Exemption of Indentured Immigrant from legal proceedings, levy or imprisonment for debt.

59. No Indian Immigrant shall be at any time liable to any action or proceeding at Law for the recovery of any debt or liability contracted or incurred by such Immigrant during the term of his or her indenture, and no Indian Immigrant shall be liable whilst under indenture of service in terms of this Law to imprisonment for debt, and it shall not be lawful for any creditor of such Immigrant to attach his or her wages or levy upon his or her goods during the continuance of such indenture, any Law to the contrary notwithstanding.

XIX.—Administration of Estates of Deceased Immigrants.

Administration of estates of deceased Immigrants.

60. It shall be the duty of the Protector of Indian Immigrants, to collect and take possession of the property of any Indian Immigrants who may die intestate in this Colony, and to deliver, with as little delay as possible, all such property to any person in this Colony who shall establish a right thereto to the satisfaction of the said Protector, or, in the absence of such person, to sell the said property and pay the proceeds thereof into the Colonial Treasury. It shall be lawful for the said Protector, at any time within ten years computed from the date of the death of the intestate, to withdraw such proceeds in order to pay the same to any person, resident in this Colony or elsewhere, who may prove his or her right thereto to the satisfaction of the said Protector. In the event of no such withdrawal the said Protector may, at the expiration of ten years computed as aforesaid, withdraw such money in order that the same may be by him applied to the relief of distressed Indian Immigrants, or of their descendants being in distress, resident in this Colony: Provided that the said Protector may charge against any intestate estate the expenses reasonably connected with its administration, and, further, that any person, aggrieved by any order made by the said Protector under this section, may appeal to the Supreme Court of the Colony within six months from the date of such order.

XX.—Registration of Marriages, Births, and Deaths.

Protector to be Registrar of Births and Deaths.

61. The Protector of Indian Immigrants is hereby appointed Registrar of Births and Deaths of Indian Immigrants, and shall without fee or reward enter and register all particulars according to the Schedules F and G hereto annexed in cases of births and deaths respectively, or as near thereto as in the circumstances of each case may be applicable.

Notification of death of Immigrant to Protector by employer, or other person.

62. In case of the death of any Indian Immigrant the employer, if such Immigrant was at the time of death under indenture, or if the Immigrant was a Free Indian then the employer in whose house or estate such Immigrant may die or the occupier of the house or tenement or of the estate in which the death shall have occurred shall within thirty days transmit to the Protector of Indian Immigrants a notice signed by the employer or his agent in the case of an indentured Indian, or by the employer or occupier as aforesaid in the case of a Free Indian, containing the particulars required to be registered concerning such death contained in form in Schedule G to this Law, or as near thereto as may be; such notice shall be accompanied by a proper medical certificate in the case of indentured Indians or by other proof to the satisfaction of the Protector of Indian Immigrants in the case of Free Indians as to the cause of the death.

Notification of birth by employer or other person.

63. In each case of a child born of an Indian Immigrant woman within this Colony the employer of such woman in case either of the parents of the child are under indenture, or in case the parents are Free Indians, then the father or the mother or the person on whose estate or place such child shall be born, shall, within thirty days, transmit to the protector of Indian Immigrants a notice signed by the employer or his agent in the case of Indentured Indians or by such father, mother, or person in the case of Free Indians, containing the particulars required to be registered concerning such birth contained in the form in Schedule F to this Law.

Punishment for failure to give such notice.

64. Every Indian Immigrant or other person who shall refuse or neglect to give notice of any such birth or death as required by the last two sections, or who shall otherwise refuse or neglect to comply with the provisions of said sections, shall forfeit for every such offence a sum not exceeding Five Pounds Sterling, to be recoverable in any competent Court at the instance and on the complaint of the Protector of Indian Immigrants, and in default of payment, may be imprisoned for any term not exceeding one month.

XXI.—Indian Immigrant Marriages and Divorces.

Validity of existing registered polygamous marriages.

65. All Polygamous marriages which have been registered by the Protector of Indian Immigrants in Natal under the 13th or 14th sections of Law No. 12 of 1872, are hereby declared valid, so far as this Colony is concerned, and such registration shall hereafter be accepted by all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

Future polygamous marriages invalid.

66. No polygamous marriage which may hereafter be contracted by Indian Immigrants in this Colony shall be considered valid as far as this Colony is concerned, and no polygamous marriage shall be registered by the Protector of Indian Immigrants or by any Magistrate.

All other marriages lawfully registered to be valid.

67. All other marriages, which have been registered by the said Protector under the 13th or 14th sections of the said Law, are hereby declared valid, so far as this Colony is concerned, and such registration shall hereafter be accepted by all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

Protector to demand certified copies of marriage register previous to

68. The Protector of Indian Immigrants, upon the arrival of any ship with emigrants from India, and before the emigrants are assigned, shall demand, from such of them as are described as married in the emigration lists, the certified copies of their marriage registers handed to them by the Protector of Emigrants at Calcutta and at Madras. The Protector of Indian Immigrants shall forthwith register the marriages of the persons to whom such certified copies refer,

landing, and register such marriages. Proviso as to loss of certificate.

attaching such copies to such register, and such registration shall be accepted in all Courts, whether civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same relates: Provided that if such certified copies are not produced when demanded, or have been lost during the voyage, the marriage may be registered from the particulars contained in the general register of the Emigrants.

Registration of Immigrants married at Depôt.

69. The Protector of Indian Immigrants shall forthwith register the marriages of those Indian Immigrants, who, being of the age hereinafter specified, may declare to him, before their departure from the depôt in Durban, their desire to be married, and such registration shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

Marriage of non-Christian Immigrants.

70. All Indian immigrants, except those professing the Christian religion, who may desire to marry at any period after their departure from the depôt at Durban, shall attend before the Magistrate having jursidiction in the division wherein either of the contracting parties reside, or before the Protector of Indian Immigrants, and shall declare their desire to marry. Such declaration shall be made by the contracting parties in presence of two witnesses, who shall append their signatures to the declaration in presence of such Magistrate or Protector. Such Magistrate or Protector shall then register the names of the contracting parties, their abodes, their races and religions, in a book kept for such registration, and entituled "Indian Immigrants' Marriage Register." Such Magistrate or Protector shall also record the official numbers of the contracting parties, or if they or either of them are Colonial born then the names and the official numbers, if any, of the parents of such parties, or either of them. Every Magistrate shall forthwith forward to the Protector of Indian Immigrants a certified copy of the register of every marriage so registered by him, and the said Protector shall enter the same in a general register compiled from his own register and from the certified copies forwarded by the said Magistrate. Such registration by a Magistrate or by the Protector shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriage to which the same refers.

Marriage Register.

Ceremony not necessary to validity of marriage.

71. No ceremony, religious or otherwise, either before or after the registration under the provisions of the last section, shall be necessary, as far as this Colony is concerned, for the validity of any marriage so registered.

Copy of register of Christian Marriage to be sent to Protector.

72. In every marriage between Indian Immigrants, being Christians, celebrated by any minister of the Christian religion or by marriage officers competent to solemnize marriages under Ordinance No. 17 of 1846, the said minister or the said marriage officer shall forthwith forward a certified copy of the marriage register, in which register the official number of the contracting parties or of their parents shall be recorded, required to be kept by the 21st section of Her Majesty's Order in Council of September 7th, 1838, to the Protector of Indian Immigrants, in order that the same may be entered in the general register kept by him: Provided that such minister or marriage officer shall not be relieved hereby from the obligation imposed, by the said section of the said Order, and by the provisions of the Registration Law, 1867, with reference to the transmission of the duplicate original register to the Colonial Secretary and the Registrar-General.

Proviso.

Age of Contracting Parties.

Age of majority of male and female.

73. In all marriages between Indian Immigrants, hereafter contracted within this Colony before Magistrates or the Protector of Indian Immigrants, the male contracting party shall not be under the age of 16 years and the females shall not be under the age of 13 years, and those ages are hereby fixed, for the purposes of this Law, as the period of majority for the male and female respectively.

Christian marriages legalised if parties are of legal age.

74. It shall be lawful for ministers of the Christian religion or marriage officers competent to solemnize marriages between persons professing the Christian religion, under Ordinance No. 17 of 1846 and Her Majesty's Order in Council therewith made applicable to Natal, to solemnize marriages between Indian Immigrants or their descendants, being of the Christian religion, if the male contracting party be not under 16 years of age, and if the female be not under 13 years of age. The Ordinance No. 17 of 1846 is hereby amended in any of its provisions which are repugnant to, or inconsistent with, this enactment as to the age of the Indian Immigrants or their descendants of the Christian religion, who may hereafter desire to marry in accordance with Christian ritual. In all other respects, the provisions of that Ordinance shall apply to the marriages of Indian Immigrants or their descendants, being Christians, hereafter solemnized before the said ministers or marriage officers.

Amendment of Ordinance No. 17, 1846, in certain respects.

Prohibited Degrees of Marriage.

Marriages void if prohibited by consanguinity or affinity.

75. Every marriage, hereafter contracted under the provisions of this Law, shall be void if the parties thereto be, by the religion of either, prohibited from intermarrying on the ground of consanguinity or affinity.

Divorces.

Grounds for divorce between non-Christians.

76. It shall be competent for either party to any marriage registered or made valid under the provisions of this Law, except those between persons professing the Christian religion, to sue for a dissolution of marriage on the ground that the other party has been guilty of misconduct, as follows:—

1. Adultery.
2. Continuous desertion for a period of one year.

77. It shall be competent for either party to any marriage, solemnized in accordance with Christian ritual, under the provisions of this Law, to sue for dissolution of marriage on those grounds which are, or may be, recognised by the Laws of this Colony as grounds upon which a divorce *a vinculo matrimonii* may be granted to suitors of the Christian community of the Colony. Grounds for divorce of Christians.

78. All suits for the dissolution of marriages, registered or made valid under the provisions of this Law, inclusive of those marriages between Indians professing the Christian religion, shall be brought in the Court of the Magistrate having jurisdiction in division wherein the parties or either of them reside. The said Magistrate shall have full jurisdiction to hear and decide the same, such trials being held in open Court. Suits to be brought in Magistrate's Courts.

79. It shall be competent for either party to any such suit to appeal to the Supreme or Circuit Court from any order or judgment, interlocutory or final, pronounced by the Magistrate therein: Provided that such appeal be instituted within three calendar months from the date of the order or judgment from which the appeal is taken. Appeal.

80. Every Magistrate shall register in a book, entitled "Register of Indian Immigrant Divorces," every decree of dissolution of marriage pronounced by him under the provisions of this Law, and shall forthwith forward a certified copy thereof to the Protector of Immigrants for registration. Such registration by the said Magistrates shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the dissolution of the marriage to which the same refers. Register of Indian Immigrant Divorces.

Marriage of Divorced Indian Immigrants.

81. It shall be lawful for either party to a marriage dissolved under the provisions of this Law, to marry again as if the prior marriage had been dissolved by death:— Re-marriage after Divorce.

1. At the expiration of three months after the date of the decree of dissolution of marriage, and if no appeal has been presented against such decree to the Supreme or Circuit Court.
2. Or sooner when any such appeal has been dismissed.

Nullity of Marriage.

82. It shall be lawful for either party to a marriage, hereafter contracted under the provisions of this Law, to institute in the Court of the Magistrate, having jurisdiction in the district within which either party resides, an action for a decree that his or her marriage may be declared null and void, and such Magistrate shall have full power to deal with the same: Provided that, from any order or sentence pronounced in such suits by any Magistrate, an appeal may be presented to the Supreme or Circuit Court by any person aggrieved thereby, within 20 days from such order or sentence. Suits for nullity of marriage to be brought in Magistrate's Courts.

83. Such decree may be made on any of the following grounds:— Grounds for decree of nullity of marriage.

1. That the respondent was impotent at the time of the marriage and at the time of the institution of the suit.
2. That the parties are within those degrees of consanguinity or affinity prohibited by the religion of either of them.
3. That either party was a lunatic or idiot at the time of the marriage.
4. That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.
5. That the consent of either party to the marriage was obtained by force or fraud.

84. If any marriage, hereafter contracted under the provisions of this Law, be annulled on the ground that the former husband or wife was living at the time of such marriage, and if it be adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or if a marriage be annulled on the ground of insanity, the Magistrate shall specify in the decree those children who were begotten before the decree, and those children shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of marriage was competent to contract. Legitimacy of children born before decree of nullity of marriage.

Adultery, Seduction, and Abduction.

85. Any Indian Immigrant who shall commit adultery with the wife of any Indian Immigrant, married under the provisions of this Law, or whose marriage has been rendered valid thereby, or who shall cohabit with any unmarried Indian Immigrant girl under 13 years of age, or who shall entice or abduct her from the custody of her parents or lawful guardian, shall upon conviction be liable to a fine not exceeding £10, or in default of immediate payment, to imprisonment at hard labour for any period not exceeding thirty days, or, in the discretion of the convicting Magistrate, to such fine and imprisonment. It shall be competent for any Indian Immigrant woman, married under the provisions of this Law, or whose marriage has been rendered valid thereby, upon production to a Magistrate of a certificate from the Protector of Indian Immigrants to the effect that in his opinion there are good grounds for such action, to institute proceedings against her own husband for committing any offence specified in this section. Punishment for adultery, seduction, and abduction. Proceedings by wife against husband for above offences.

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Magistrate's jurisdiction.

86. All actions for offences specified in the preceding section, shall be heard and decided in open Court by the Magistrate having jurisdiction in the division wherein the aggrieved husband, wife, parent, or guardian resides, or wherein the offender resides.

Punishment for offences by wife or unmarried girl.

87. It shall be lawful for the said Magistrate to order and adjudge a wife so committing adultery, or an unmarried girl under 13 years of age so cohabiting, or eloping without the consent of her parent or lawful guardian, to imprisonment, with or without hard labour, for any period not exceeding 30 days.

Appeal.

88. From all orders and sentences, pronounced by Magistrates in such actions, any persons aggrieved thereby may appeal to the Supreme or Circuit Court within 20 days from the date of such order or sentence.

Proof of registration or dissolution of marriage.

89. Whenever it shall be necessary in any Court, civil or criminal, within this Colony, to prove the registration of any marriage or dissolution thereof under the provisions of this Law, it shall be competent for any person to prove the same by the production of copies of the registers kept by the Protector of Indian Immigrants, Magistrates, Ministers of the Christian religion or marriage officers, provided that such copies be certified under the hand of the said persons so keeping such registers or their successors in office.

XXII.—License to Depart from the Colony.

Immigrant not to leave the Colony without license.

90. It shall not be lawful for any Indian Immigrant introduced into this Colony at the expense of the Indian Immigration Trust Board to depart from this Colony without a license in writing, signed by the Protector of Indian Immigrants.

Residence of ten years necessary except by special order.

91. No license to leave this Colony shall be delivered by the Protector of Indian Immigrants to any such Indian Immigrant until he shall have completed a residence of ten years within this Colony as provided in this Law, unless the Protector of Indian Immigrants shall, with the approval of the Indian Immigration Trust Board, make an order in writing under his hand, for the return of any such Indian to the place whence he may have come before the expiration of the said term of ten years.

License granted to those who willingly relinquish claim to return passage.

92. No license to leave the Colony shall be granted to any Indian Immigrant who has not completed ten years' residence in the Colony, unless such Indian Immigrant shall voluntarily abandon his claim to a free return passage to India.

XXIII.—Power of Protector to Prolong Contract in Certain Cases.

Protector may prolong contract of Immigrant who has been imprisoned.

93. If it shall appear to the Protector or Deputy Protector of Indian Immigrants on any visit next preceding the termination of the indenture of any Immigrant that any Immigrant has been imprisoned during his existing term of service, the said Protector or Deputy Protector of Indian Immigrants shall renew such indenture for such further term of service as such Immigrant may have been imprisoned, and he may from time to time renew such indenture for any subsequent imprisonment, and such Immigrant shall not be entitled to any certificate of discharge until he shall have faithfully performed such further term of service as aforesaid: Provided always, that no such Immigrant shall have such indenture renewed or be compelled to perform such further service if he shall be acquitted of the offence charged, or if the criminal proceedings under which he was imprisoned shall have been subsequently set aside or discharged, or if his master or employer shall have elected to exact the fine by law provided in certain cases in lieu of such prolongation of service.

Exception in certain cases.

XXIV.—Fines, Penalties, &c.

Punishment for employers neglect to provide medical attendance, or to keep register or for ill-treatment or neglect or failure to pay wages.

94. Every employer who shall neglect to retain a duly qualified licensed and registered medical practitioner to attend upon the Immigrants in his employ, or who shall fail or neglect to supply proper medicine or nourishment for any such Immigrant when sick, or who shall neglect to keep such general and medical register book as provided by this Law, or who himself or by any overseer, or sirdar employed by him shall wilfully illtreat any Immigrant in his employ or who shall fail or neglect to supply to any such Immigrant any article of food or to pay any wages to which such Immigrant shall be entitled, shall on conviction thereof before any Court forfeit and pay such sum not exceeding Ten Pounds Sterling for every offence as to the Court shall seem fit, or in default may be adjudged to imprisonment not exceeding thirty days: Provided always, that it shall be at the same time lawful for the Governor, if he shall see fit, to determine the contract of service of such Immigrant and also of any other Immigrants in the employ of the same employer and to assign such Immigrants to some other person for the residue of the original terms of service of such Immigrants respectively.

Governor may determine contract.

Punishment for obstructing entry by Protector or other person on estate.

95. Every person who shall obstruct the Protector of Indian Immigrants, or other person duly authorised by the Governor for that purpose, in entering upon any Estate where any Indian Immigrant shall be employed, or shall by such Protector of Indian Immigrants or other person reasonably supposed to be employed, or shall wilfully do any act whereby such Protector of Indian Immigrants or other person may be prevented or obstructed in inspecting the state and condition of any Indian Immigrant whom he may find on such Estate, shall, on conviction before any Court, forfeit and pay a sum not exceeding Ten Pounds Sterling, or in default of payment, shall be liable to imprisonment not exceeding thirty days.

Punishment for failure to send in returns or for false returns.

*Read Indian Immigration Trust Board.

96. Every employer of Indian Immigrants who shall fail to send in to the [*Protector of Indian Immigrants,] or other person duly appointed by the Indian Immigration Trust Board for that purpose, such medical returns as are in this Law provided, or shall neglect or refuse to send

in such further or other returns within one calendar month, after such person shall have been notified so to do, or shall wilfully make any false return, shall, on conviction thereof before any Court, forfeit and pay a sum not exceeding Ten Pounds Sterling for every such offence as to the Court shall seem fit, or, in default, shall be liable to imprisonment not exceeding thirty days.

Punishment for harbouring Immigrant in service of another employer.

97. If any person shall harbour or receive into his employment any Indian Immigrant to whose services any other person may be entitled under any assignment or transfer of service, then unexpired and in force, every such person on conviction before any Court shall forfeit and pay the sum of Ten Pounds Sterling, or be liable to imprisonment for a term not exceeding three months, and shall forfeit and pay to the person entitled to such services under such assignment, the sum of four shillings for each day during which such Immigrant shall be so harboured or employed, unless the person so harbouring or receiving into his employment any such Immigrant as aforesaid shall show to the satisfaction of such Court that such person used proper diligence to ascertain whether such Immigrant was at that time under assignment: Provided that proper diligence shall not be deemed to have been used unless the person employing an Indian Immigrant shall have demanded to see and have been shown the Certificate of Discharge from Service in Section 106 of this Law provided for: And provided also, that in the case of any Indian Immigrant claiming to have been born in the Colony, the person employing him shall have demanded to see and have been shown a certificate to that effect, signed by the Protector or Assistant Protector of Indian Immigrants.

Forfeiture to rightful employer.

Saving if proper diligence be exercised to ascertain facts.

Penalties for harbouring Immigrant whose term of indenture is unexpired.

98. Any person who shall harbour or receive into his employment any Indian Immigrant whether male or female whose term of indenture shall not have expired or who may have been assigned or allotted to any other person, or who may be in receipt of or entitled to receive wages from any other person shall be liable to the penalties specified in the last preceding Section unless such Immigrant shall have been duly assigned or allotted to such person by the Protector of Indian Immigrants: Provided that one-half of the penalty of Ten Pounds specified in the said preceding Section may be awarded to the informer through whose information such person shall have been convicted: And provided further that nothing in this clause shall apply to any Indian whether male or female who has a proper pass the period of leave in which is then unexpired.

Reward to informer.

Punishment for master of a ship receiving Immigrant unauthorised to leave the Colony

99. Any master or other person in charge of any vessel, who shall knowingly receive or harbour on board such vessel or agree to receive on board such vessel with the intention of carrying out of the Colony, any Indian Immigrant whose name shall appear in the register and who shall not have obtained a license from the Protector of Indian Immigrants to depart from the Colony, shall on conviction thereof before a Magistrate, forfeit and pay the sum of Twenty Pounds Sterling for each and every Indian whom he shall have received or harboured, or agreed to receive with such intention as aforesaid, and in default of payment may be imprisoned with or without hard labour for any term not exceeding three months.

Punishment for sending or taking Immigrant out of the Colony, or inducing him to leave without license.

100. Any person who shall send or take out of the Colony, or shall endeavour to send or take out of the Colony, or induce to leave the Colony, or who shall harbour or receive, with the intention of taking out of the Colony into or through any of the adjoining States or Territories any Indian Immigrant whose name shall appear on the register, and who shall not have obtained a license from the Protector of Indian Immigrants to depart from the Colony, shall, on conviction thereof before a Magistrate, forfeit and pay the sum of Twenty Pounds Sterling for each and every such Indian whom he shall have sent or taken, or endeavoured to send or take, or induced to leave, or harboured or received, with the intention of taking out of the Colony as aforesaid, and in default of payment may be imprisoned with or without hard labour for any term not exceeding three months.

Punishment for large number of Immigrants absenting themselves to make complaints.

101. When all or a large number of the Indian Immigrants employed upon any estate or property shall absent themselves from their employment without leave for the purpose or on the pretence of making any complaint against their employer, such Indians or any number of them shall be liable to be brought before any Court, and, on conviction, to be punished by fine not exceeding Two Pounds Sterling, or by imprisonment for any period not exceeding two months, with or without hard labour, whether such complaint shall or shall not be adjudged to be groundless or frivolous, and notwithstanding that such complaint may be successful.

Punishment for false pretences as to completion of residence; using other's certificates, &c.

102. An Indian Immigrant who shall falsely and fraudulently pretend that he has completed a residence of ten years within the Colony, or who shall wilfully use as his own any certificate of residence or discharge which shall have been granted to any other Indian Immigrant, or who shall lend or pledge his certificate of residence or discharge to any other person, and any Indian Immigrant or other person who shall wilfully counterfeit or alter any such certificate shall, on conviction thereof before any Court, be imprisoned with or without hard labour for such term not exceeding three calendar months as to the said Court shall seem fit.

Punishment for keeping house or premises so as to be a nuisance.

103. Any Indian Immigrant who shall keep his dwelling house or premises in such a condition as to be a nuisance and injurious to health, shall on conviction thereof, before any Magistrate, be liable to be fined in any sum not exceeding Five Pounds Sterling, and failing the payment of any such fine to be imprisoned with or without hard labour for any period not exceeding one month.

XXV.—Legal Proceedings and Prosecutions.

Recovery of certain moneys by Trust Board.

104. All moneys payable on the assignment or transfer of the services of Indian Immigrants, or by way of interest, shall be recoverable in a summary manner before any Court on complaint to be laid, and summons issued, in the name of the Indian Immigration Trust Board of Natal. All prosecutions for harbouring Indian Immigrants shall be made at the instance of the employer entitled to the services of such Immigrant. Any proceedings for contraventions

Prosecutions for harbouring.

and for other contraventions.

of this Law may be commenced and prosecuted before the Magistrate of the Division in which the offence may be alleged to have been committed, or into which the party offending may arrive, or before any person at any time appointed by the Governor to carry out the provisions of the Masters and Servants Ordinance in virtue of Law No. 23, 1865, entituled Law "To facilitate the determination of complaints between Masters and Servants," and such Magistrate's Court or person may, if it shall seem fit to do so, and if both parties shall be present, forthwith hear, try, and determine upon such alleged contravention in a summary manner: Provided always that such proceedings shall be subject to the review provided by the Law No. 22, 1889, entituled "Law for the establishment and Regulation of Inferior Courts of Justice": And provided always that in case of any charge against any Indian Immigrant made by his employer or the manager of the estate, it shall not be necessary for such employer or manager to be present at the hearing of the charge if any overseer from the estate or property be present, unless such employer or manager be a material witness for the Immigrant, in which case the hearing shall be postponed for the attendance and examination as a witness of such employer or manager.

Suspension of execution for purpose of review.

105. The execution of every judgment so brought in review or appealed from shall be suspended in case the person convicted shall immediately enter into a recognisance before the Magistrate (which such Magistrate is hereby authorised and required to take) himself in a penal sum not exceeding Ten Pounds, with two sufficient sureties in a penal sum not exceeding Ten Pounds Sterling, upon condition to prosecute such review in due course of law, and to abide the final result thereof.

XXVI.—Certificates of Discharge.

Certificates of discharge.

106. Every Immigrant who may have completed, or who may hereafter complete the term of service under indenture for which he was indentured, on leaving India for this Colony, or whose indenture may have been, or may hereafter be duly cancelled, shall be entitled to demand and receive from the Protector of Indian Immigrants, free of charge, a certificate of discharge from service in form of Schedule H hereto, and the possession of such certificate shall be evidence of such Immigrant being released from obligation to perform further service in this Colony under indenture.

XXVII.—Re-indenture of Immigrants entitled to Certificates of Discharge.

Re-indenture of Immigrants entitled to certificates of discharge.

107. Every Immigrant who may possess or be entitled to a Certificate of Discharge may, if such Immigrant think fit to do so, enter into an indenture of service for a further term of one to three years' service, and so from time to time at the expiration of each such further term of service, and every such renewed indenture of service entered into by any minor Immigrant shall be good and valid, and of the same force and effect as the indenture of service of any adult Immigrant. And all the provisions of this Law with respect to Immigrants under indenture shall apply to all such renewed indentures; such renewed indentures shall be signed in the presence of the Protector or Deputy Protector of Indian Immigrants, and shall be in the form of Schedule I., hereto attached.

Method of computing further time of industrial service.

Bounty or bonus.

108. Every such further term of industrial service shall commence and be computed from the day of signing such contract, and there shall be paid to such Immigrant by each such employer such sum by way of bounty or bonus, if any, as may be agreed upon between such Immigrant and such employer, such sum to be paid before the signing of the indenture or contract.

XXVIII.—When Indian Immigrants come under Ordinary Master and Servants' Law.

After five years Immigrant at liberty to hire service or change his residence.

Application of Ordinance No. 2, 1850.

109. On the expiration of the first five years after his introduction into this Colony, every Indian Immigrant who shall have served under contract of service as provided in this Law, shall be at liberty to hire or dispose of his services, or to change his residence in the same manner as any other labourer not being an Indian Immigrant. And the provisions of Ordinance No. 2, 1850, entituled an Ordinance "For regulating the relative rights and duties of Masters, Servants, and Apprentices," shall extend and apply to such Indians and their employers, in such and the same manner as if the applicable sections thereof had been herein expressly re-enacted, save and except in those cases where any such Indian Immigrant shall elect to be re-indentured in manner provided in this Law.

XXIX.—Return Passages.

Return passages.

110. Every Indian Immigrant who shall have resided ten years in the Colony, and during the said ten years shall have completed an industrial service of five years under indenture, shall be entitled to a free passage back to India: Provided always, that no such free passage shall be granted unless applied for within twelve months from the time at which it shall have become due.

Proof of completion of residence.

111. When any question shall arise whether any Indian Immigrant has completed a residence of ten years within this Colony, the burden of proof shall lie on the Indian Immigrant or other person alleging that such Indian Immigrant has completed such residence.

Notice to be given of offer of return passage.

112. The Protector of Immigrants shall give to each applicant for a return passage at least fourteen days' notice of the period at which such passage will be offered him.

Return passage of Immigrant being unfit for labour.

113. The Indian Immigration Trust Board may provide a return passage for any Indian Immigrant who may have become unfit for labour at any period of his industrial residence.

114. Every Indian Immigrant for whom, in accordance with his application, a return passage shall have been provided, and who shall fail to go on board and avail himself thereof after receiving due notice so to do, shall thereupon forfeit all further claim to such return passage; and every Immigrant who, during the period of his industrial residence, shall have left the Colony without the permission of the Protector of Indian Immigrants, shall forfeit his claim to a return passage to India.

Claims to return passages, how forfeited.

115. In respect of all ships leaving the Colony with return Immigrants, the Protector of Indian Immigrants shall perform all the duties imposed on Emigration officers in England by the Passengers' Act, 1855.

Protector's duties as Emigration Officer under Passenger's Act, 1855.

XXX.—Power to make Rules, &c.

116. It shall and may be lawful for the Indian Immigration Trust Board, with the approval of the Governor in Council, from time to time and at all times to frame, make, and issue, and to amend, alter, vary, or annul, as occasion may require, such rules and regulations as may be deemed necessary or expedient for the following purposes connected with this Law and not inconsistent with the provisions of the same, that is to say:—

Rules and regulations.

To receive and decide upon applications from persons wishing to introduce or engage Indian Immigrants.

Security to be furnished by requisitionists.

The control, management, and employment of Indian Immigrants during their stay in the depôt.

The transfer of Indian Immigrants from requisitionists to other persons.

The establishment, management, control, and supervision of hospitals for Indian Immigrants.

The appointments, rights, duties, and authorities of Medical Officers.

For the guidance of, and if deemed necessary conferring special powers upon, Magistrates, Constables and others in reference to, and in order to facilitate the arrest of absconding Indians or Indians found at a distance from thier employer's residence without passes or tickets of leave; regulating the procedure to be observed on the release of Indians from prison, and restoring them in custody; directing notice of such release to be transmitted to the employers of such Indians, and regulating all matters and things connected therewith.

As to the manner and form in which a wages book and a general and medical register book shall be kept by each employer of Indian Immigrants.

As to the return passages to India, and the departure of Indians from the Colony.

Prohibiting the cultivation, smoking, use or possession by and the sale, barter, or gift to any Indians whomsoever of any portion of the hemp plant (*cannabis sativa*) and authorising the destruction thereof if cultivated or found in such use or possession, and imposing penalties upon Indians using, cultivating, or possessing such plant for the purpose of smoking the same.

And generally for all other purposes connected with this Law. And by such rules and regulations any penalty not exceeding Two Pounds Sterling in each case may be imposed by any competent Court for any breach thereof. All such rules and regulations shall be published in the "Government Gazette," and when published shall have the same force and effect as if the same were expressly set forth and enacted in this Law.

A copy of such rules and regulations shall be laid before the Legislative Council within fourteen days of the opening of the first Session held after the publication of such rules.

Rules to be laid before Legislative Council.

XXXI.—Definition of Terms.

117. In the construction of this Law the word "Governor" shall include any person lawfully administering the Government of the Colony. Wherever throughout this Law any officer whose appointment is authorised under this Law, is mentioned or referred to, it shall be taken to include the person for the time being lawfully acting in such capacity; the words "Indian Immigration Trust Board of Natal," "Trust Board" and "Board" or other similar words, wherever occurring in this Law, shall mean the Indian Immigrant Trust Board of Natal, incorporated under Law No. 15 of 1880, conjointly with the Law No. 20 of 1874, and the words "any Court" shall mean and include the Courts and Branch Courts of the Magistrate of the division in which the Immigrant shall reside.

Interpretation.

118. The words "Indian Immigrant" shall mean and include all Indians introduced from India to Natal under the provisions of the Laws regulating such introduction and those descendants of such Indians who may be resident in Natal. From the operation of this Law are excluded those persons who are usually described in this Colony as "Asiatics," "Arabs," or "Arab Traders," being persons who have not been introduced into this Colony under the Laws providing for the introduction of emigrants from India to Natal.

XXXII.—Short Title of Law.

119. This Law may for all purposes be cited as the "Indian Immigration Law, 1891."

Short title of Law.

SCHEDULE A. (SECTION 9.)

REQUISITION.

I, the undermentioned requisitionist, request the Indian Immigration Trust Board of Natal to take the steps required by Law for obtaining for me from the Presidency of male Immigrants (specially engaged in India) to be employed by me on their arrival in Natal as on the estate, owned by me in freehold (or, held by me under lease, *as the case may be, stating period the lease has to run*), being the Lot in the County of , in the Colony of Natal.

I undertake to give to each Immigrant who shall engage with me in virtue of this requisition the wages and allowances following (or, the wages and allowances fixed by the scale authorised by the Board in force at the time of engagement, *as the case may be*).

The said wages shall be paid in money, monthly.

Proper lodging and medical care shall also be furnished by me to the said Immigrants.

I appoint A.B. my special agent (*or*, I appoint no special agent, *as the case may be*).

Requisitionist.

SCHEDULE B. (SECTION II.).

Contract with the Indian Immigration Trust Board of Natal, entered into under requisition from the Indian Immigration Trust Board of Natal.

We, the undersigned Emigrants from hereby engage to serve as on the Estate called , the employer to whom we may respectively be allotted by the Protector of Indian Immigrants at Natal during the period of five years from the date of our allotment in Natal; provided that we shall receive monthly, in money, the wages stated hereunder opposite our respective names, and the allowances following:—

[*Set out Scale of Rations and Allowances here.*]

Provided also, that proper lodging and medical care shall be supplied to us during the time of our service.

And we further agree, that if the estates on which we shall become bound to serve under the aforesaid allotment be sold, alienated, or transferred to other persons, or succeeded to by other persons before the expiration of our service, we shall serve such other persons according to the conditions of our respective contracts and until their expiration, our said new employers being held bound towards us in all the stipulations and obligations incumbent upon the employers to whom we shall previously have been allotted.

No.	Name of Emigrant.	Father's Name.	Age.	Married or Single.	Wages per Month.					Emigrant's Signature.	Remarks.
					1st Year.	2nd Year.	3rd Year.	4th Year.	5th Year.		

The above contract was explained in my presence to the said Emigrants, and signed by them before me this day of , 18 .

A.B.,
Natal Emigration Agent.

Schedule C. (Section II.).

Special Contract for Natal, entered into under Requisition . .No. , dated 18 .

We, the undersigned Emigrants from hereby engage to serve as , on the Estate called in the County of , in the Colony of Natal, for the period of five years from the date of the registration of this Contract by the Protector of Indian Immigrants at Natal, provided that we shall receive monthly, in money, the wages stated hereunder opposite our respective names, and the allowances following:—

[*Here Specify Allowances.*]

Provided also, that proper lodging and medical care shall be supplied to us.

And we further agree, that if the above-mentioned estate be sold, alienated, or transferred to another person, or succeeded to by another person before the expiration of our service we shall serve such other person according to the terms of this contract, such new employer being held bound towards us in all the stipulations and obligations incumbent upon the employer so replaced by him.

No.	Name of Emigrant.	Father's Name.	Age.	Married or Single.	Wages per Month.					Emigrant's Signature.	Remarks.
					1st Year.	2nd Year.	3rd Year.	4th Year.	5th Year.		

On behalf of , of Natal, I accept the services of the above-mentioned Emigrants on the terms and conditions here stipulated.

A.B.,
Special Agent.

The above Contract was fully explained to the above-mentioned Emigrants [and, *when there is a Special Agent*, to A.B., the Special Agent, in my presence, this , and signed by them before me.

C.D.,
Natal Emigration Agent.

SCHEDULE D (Section 27).

Form of Wages Book.

No.	Name.	Date of Engagement.	End of Engagement.	(Month and Year to be entered here.)																											Wages per Month.		Hospital.		Absences.		Total Deductions.		To Pay.		Remarks.
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	s.	d.	Days.	s.	d.	Days.	s.	d.	Days.	s.	d.	s.	d.	

SCHEDULE E (SECTION 49).

MEDICAL.

(Male Statute Adults both Indentured and Free to be included.)

Quarterly Return of Indian Immigrants.

Name of Employer.	Year.	Months included in Quarter.	Number of Male Statute Adults employed in each month.			
			Free.	Indenture.		

I certify that the above return is correct.

A.B., Employer.

(Place.)

(Date.)

SCHEDULE F (SECTION 61).

No.	When Born, and Where.	Name.	Sex.	Parents' Names.	Father's Occupation.	Parents' Residence.	When Registered.	Remarks, Signature of Registrar, &c.

SCHEDULE G (SECTION 61).

No.	Where Died, and When.	Name and Official Number.	Sex.	Age.	Occupation and Residence.	Cause of Death.	When Registered.	Remarks, Signature of Registrar, &c.

SCHEDULE H. (SECTION 106).

SCHEDULE OF DISCHARGE.

No. Date

I hereby certify that , Indian Immigrant No. has duly completed his term of indenture of five years in terms of Indian Immigration Law No. , 18 , and is released from his obligation to perform further service in this Colony under indenture.

Protector of Indian Immigrants.

SCHEDULE I. (SECTION 107).

FORM OF RENEWED INDENTURE BY FREE INDIAN.

[*Law No.* , 1891.]

Be it remembered that on this day of 18 , A.B. of , and C.D., Indian Immigrant, No. , appeared before me , Protector of Immigrants (in terms of Law No. , 1891, entitled, &c.); and in my presence signed their names (or marks) to the following contract of service:—

The said A.B. agrees to hire the services of the said C.D., and the said C.D. agrees to render to the said A.B. his services in the capacity of for year (or months, as the case may be), commencing from the day of signing these presents.

And it is further agreed between the said parties that the said C.D. shall be employed in the said capacity for six days in each week, save as in the said Law is mentioned, and that the hours of labour shall not be more than nine hours daily, between sunrise and sunset, with a break of at least one hour for rest.

And it is further agreed between the said parties that the said A.B. shall pay to the said C.D., as such servant as aforesaid, wages at and after the rate of sterling per month, for the remuneration of the service of the said C.D., and that such wages shall be paid on the first and fifteenth days of each month.

And lastly, the said A.B. doth hereby bind and oblige himself to give, grant, and provide to and for the said C.D., and for such families as may be allotted, good and comfortable lodging, wholesome and suitable food, and proper medical attendance and medicines during the period for which this present contract is made, and otherwise to observe and fulfil the conditions and obligations of the Indian Immigration Laws of the Colony so far as the same are applicable to this contract and agreement.

A.B.
C.D.

The preceding agreement was signed by the above-named parties in my presence (in conformity with the provisions of the Law No. , 18), on the day and year above written, voluntarily; the same being, so far as I am able to judge, fully understood by them respectively.

Protector of Indian Immigrants.

SCHEDULE J.

(MAN'S) CONTRACT OF SERVICE WITH INDIAN IMMIGRANTS.

Be it remembered,

That on this day of in the year of our Lord One Thousand Eight Hundred and Ninety of Indian Immigrant No. appeared before me, and Protector of Immigrants, and in my presence signed (or made his mark) to the following Contract of Service:—

The said agrees to hire the services of the said Indian Immigrant, and the said Indian Immigrant agrees to render the said his services in the capacity of General Labourer for Five years, commencing on the day of , in the Year of Our Lord One Thousand Eight Hundred and Ninety

And it is further agreed between the said Parties that the said Indian Immigrant shall be employed as above for six days in each week, save as in such Law is mentioned, and that the hours of labour shall not be more than nine hours daily, between sunrise and sunset, with a break of at least an hour for rest.

And it is further agreed between the said Parties, that the said shall pay to the said Indian Immigrant, as such servant as aforesaid, wages at and after the rate of Ten Shillings for the first year, Eleven Shillings for the second year, Twelve Shillings for the

third year, Thirteen Shillings for the fourth year, Fourteen Shillings for the fifth year, for the remuneration of the services of the said Indian Immigrant, and that such wages shall be paid on the first day of each month.

And lastly, the said doth hereby bind and oblige himself to give, grant, and provide, to and for the said Indian Immigrant, and for such family as may be allotted, good and comfortable lodging, wholesome and suitable food, and proper medical attendance and medicines, during the period for which this present contract made, and otherwise to observe and fulfil all the conditions and obligations of the Coolie Laws of the Colony so far as the same are applicable to this Contract and Agreement.

His mark.

The preceding Agreement was signed by the above-named Parties in my presence, on the day and year above written, voluntarily the same being, as far as I am able to judge, fully understood by them respectively.

Protector of Immigrants.

SCHEDULE K.

(WOMAN'S) CONTRACT OF SERVICE WITH INDIAN IMMIGRANTS.

Be it remembered,

That on this, day of in the year of Our Lord one Thousand Eight Hundred and Ninety and of Indian Immigrant No. appeared before me, Protector of Immigrants, and in my presence signed (or made her mark) to the following Contract of Service:—

The said agrees to hire the services of the said Indian Immigrant, and the said Indian Immigrant agrees to render the said her services in the capacity of General Labourer for Five Years, commencing on the day of in the Year of Our Lord One Thousand Eight Hundred and Ninety .

And it is further agreed between the said Parties that the said Indian Immigrant shall be employed as above for six days in each week, save as in such Law is mentioned, and that the hours of labour shall not be more than nine hours daily, between sunrise and sunset, with a break of at least an hour for rest.

And it is further agreed between the said Parties that the said shall pay to the said Indian Immigrant, as such servant as aforesaid, wages at and after the rate of Five Shillings for the first year, Five Shillings and Sixpence for the second year, Six Shillings for the third year, Six Shillings and Sixpence for the fourth year, Seven Shillings for the fifth year, for the remuneration of the services of the said Indian Immigrant, and that such wages shall be paid on the first day of each month.

And lastly, the said doth hereby bind and oblige himself to give, grant, and provide, to and for the said Indian Immigrant, and for such family as may be allotted, good and comfortable lodging, wholesome and suitable food, and proper medical attendance and medicines, during the period for which this present contract is made, and otherwise to observe and fulfil all the conditions and obligations of the Coolie Laws of the Colony so far as the same are applicable to this Contract and agreement.

Her mark.

The preceding Agreement was signed by the above-named Parties in my presence, on the day and year above written, voluntarily, the same being as far as I am able to judge, fully understood by them respectively.

Protector of Immigrants.

Given at Government House, Natal, this Third day of September, 1891.

By command of His Excellency the Governor.

F. S. HADEN,
Colonial Secretary.

[No. 36, 1894.] (B.)

WALTER HELY-HUTCHINSON,
Governor.

ACT, "To extend the powers of the Indian Immigration Trust Board."

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Payments by employers may extend to whole of expenses under

1. The payments which the Indian Immigration Trust Board, hereinafter called the Board, is by the 18th Section of Law No. 25, 1891, empowered to require from the employers of Indian Immigrants shall not be deemed to be limited to two-thirds of the expenses for which the Board

may become liable under the seventh section of Law No. 20, 1874, but may extend to the whole of such expenses, anything in the thirteenth Section of the said Law No. 20, 1874, to the contrary notwithstanding. Section 7 of Law 20, 1874.

2. The Board may provide for the registration at the Office of the Board of all Contracts of Service entered into by Indians introduced into the Colony under the Immigration Laws. Registration of contracts of service.

3. The contribution of Ten Shillings a year for each indentured Indian to the return passage fund which by Section 14 of Law No. 20, 1874, is required to be made by the said Board may be reduced to Five Shillings a year whilst the securities in which such fund is invested shall exceed in amount the sum of £20,000. Contribution by Board to return passage fund.

4. The Board may from time to time with the consent of the Governor in Council borrow money for its purposes authorised by Law: Provided that the total borrowing under this Act shall in no case exceed at any one time the sum of £25,000, and the moneys so borrowed shall be a charge upon the revenues and property of the Board. Governor may borrow up to £25,030.

5. The Board may from time to time make Bye-laws for the more conveniently carrying out of the powers of the Board, and in case of contraventions of any such Bye-laws may recover from the offender by summary proceedings before any Magistrate having jurisdiction a penalty not exceeding Forty Shillings, together with the costs of recovering the same: Provided that no such Bye-law shall have effect unless and until the same, and the assent of the Governor thereto, shall have first been promulgated in the "Natal Government Gazette." Board may make by-law.

6. The Protector of Indian Immigrants shall cease to be a member of the Indian Immigration Trust Board of Natal as from the date of the promulgation of this Act; and the Governor in Council may appoint a new member of the said Board to fill the seat vacated by the Protector of Immigrants, and the member so appointed shall retire from office in rotation with, and after the four other members appointed under the provisions of Section 2 of Law No. 15, 1880. Protector not to have a seat on the Board. Appointment of member in his place.

Given at Government House, Natal, this Thirtieth day of July, 1894.

By command of His Excellency the Governor,

JOHN ROBINSON,
Colonial Secretary.

(C.)

[No. 17, 1895.]

WALTER HELY-HUTCHINSON,
Governor.

ACT, "To amend the Indian Immigration Law, 1891."

Whereas it is expedient to amend the Indian Immigration Law, 1891:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as the "Indian Immigration Amendment Act, 1895," and shall be read and construed together with the Indian Immigration Law, 1891, as one Act. Short title of Act Joint construction with Law 25, 1891.

2. From and after the date when this Act shall take effect, the indentures to be signed by Indian Immigrants as provided by Schedules B and C of the Indian Immigration Law, 1891, referred to in Section 11 of the said Law, shall contain a covenant by the Indian Immigrants in words as follows:— Covenant to be inserted in Indentures under Law 25, 1891.

> "And we further agree that, after the expiration or other determination of this contract, we shall either return to India or remain in Natal under indentures to be from time to time entered into: Provided that each term of new indentured service shall be for two years. And provided further, that the rate of wages for each year of indentured service after that provided by this contract shall be 16s. per month for the first year, 17s. per month for the second year, 18s. per month for the third year, 19s. per month for the fourth year, and 20s. per month for the fifth and each succeeding year." Return to India or renewal of indentures.

3. Every Indian desiring to return to India on the expiry of the first or any subsequent period of his service under any contract of indenture or re-indenture entered into under the Laws for the time being in force, shall be provided by the Indian Immigration Trust Board with a free passage to India. Free passage to India.

4. Any Indian Immigrant who may have entered into the covenant set out in Section 2 of this Act shall be at liberty, subject to the approval of the Protector of Indian Immigrants, to choose the employer to whom he shall be indentured after his first term of service and for the purpose of making such choice the Indian Immigrant shall be entitled to a pass for one month, to be issued by his last Employer, or should the Employer refuse such pass, then by the Magistrate of the District. Choice of employer.

5. During all the periods of re-indenture each Indian Immigrant entering into such further indenture shall have all the rights and privileges which he had during his first term of indenture. Continuance of privileges during re-indenture.

Indian failing to return or re-indenture to take out a pass.

6. Every indentured Indian who shall have entered into the covenant set out in Section 2 of this Act and who shall fail, neglect, or refuse to return to India or to become re-indentured in Natal shall take out year by year a pass or license to remain in the Colony to be issued by the Magistrate of his District, and shall pay for such pass or license a yearly sum of Three Pounds Sterling, which may be recovered by summary process by any Clerk of the Peace or other officer appointed to get in such license money.

Landing, &c., of Immigrants to be a duty of the Board.

7. The duty of causing Indian Immigrants on arrival to be landed, conveyed to proper quarters, and provided with proper and sufficient food and clothing in terms of Section 15 of the Indian Immigration Law, 1891, shall devolve upon the Indian Immigration Trust Board, and shall be discharged to the satisfaction of the Protector.

Duties of Protector may be defined.

8. The duties of the Protector of Indian Immigrants and of any Deputy or officer of his Department, additional to the duties imposed by any law and the manner in which such duties are to be discharged, may be defined by the Governor in Council.

Returns to be furnished to Board.

9. The returns mentioned in Sections 49 and 96 of the Indian Immigration Law, 1891, shall be sent to the Indian Immigration Trust Board instead of the Protector of Immigrants, and the said Board shall have all the powers of the Protector for the purpose of enforcing such returns.

Recovery of employers' contributions by the Board.

10. The contributions by employers of Indian Immigrants under Section 50 of the Immigration Law, 1891, shall be payable to and recoverable by the Indian Immigration Trust Board.

Medical Board to be appointed by the Board.

11. The appointment of a Medical Board under Section 52 of the Indian Immigration Trust Law, 1891, shall be made by the Indian Immigration Trust Board, anything in the said Section 52 to the contrary notwithstanding.

Licenses to leave Colony to be approved by the Board.

12. Licenses to leave the Colony under Sections 90, 91, 99 and 100 of the Indian Immigration Trust Law, 1891, shall not be granted without the sanction or approval of the Indian Immigration Trust Board, and for the purposes of the said Sections 99 and 100, the said Board is substituted for the Protector.

Signature of renewed indentures.

13. A renewed indenture made under the provisions of Section 107 of Law No. 25, 1891, may be signed before the Protector or Deputy Protector of Indian Immigrants, or before any Magistrate.

Adjustment by Board of employers' payments.

14. The Indian Immigration Trust Board may so adjust the annual payments to be made under Clause 18 of Law No. 25, 1891, by the employers of indentured Indian Immigrants that the successive employers of Indians under original indentures or renewed indentures may be made to contribute to the cost to which the Board may be put in procuring immigrants from India.

Governor's consent thereto not needed.

15. The consent of the Governor shall not be needed to any increase or decrease in the annual payments on indentured Indians decided on by the Board, anything in Clause 13 of Law No. 20, 1874, and Clause 18 of Law No. 25, 1891, to the contrary notwithstanding.

Returns of arrear instalments by Secretary to Board.

16. The duty imposed by Section 21 of Law No. 25, 1891, upon the Protector of Indian Immigrants of preparing and submitting to the Indian Immigration Trust Board returns of arrear instalments shall be discharged by the Secretary to the Board.

Amendment of sections 106 to 109 of Law 25, 1891.

17. Sections 106, 107, 108, and 109 of Law No. 25, 1891, shall not apply to Indians introduced into Natal under contracts of indenture made in pursuance of this Act.

Repeal of sections.

18. Sections 110, 111, and 114 of Law No. 25, 1891, are hereby repealed.

Amendment of sections 2 to 4 of Law 25, 1891.

19. The words "from and out of the funds of the Indian Immigration Trust Board of Natal" occurring in Sections 2, 3, and 4 of Law No. 25, 1891, shall be expunged.

Commencement of Act.

20. This Act shall commence and take effect from and after such date as shall be fixed by Proclamation in the "Natal Government Gazette."

Given at Pietermaritzburg, Natal, this Eighth day of August, 1895.

By command of His Excellency the Governor,

JOHN ROBINSON,
Colonial Secretary.

(D.)

[No. 7, 1896.]

WALTER HELY-HUTCHINSON,
Governor.

ACT, "To validate certain Indian Marriages."

Whereas the Registration by the Protector of Indian Immigrants in Natal of Indian Marriages referred to in Sections 65 and 67 of the Indian Immigration Law, 1891, was completed on the 15th day of June, 1874; and whereas it is expedient to validate certain marriages registered by the said Protector in Natal between the 16th day of June, 1874, and the 14th day of June, 1890, inclusive, and also to validate certain unregistered marriages of Indians who arrived in this Colony between the 15th day of June, 1890, and the 8th day of September, 1891, inclusive:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as the "Indian Immigration Amendment Act, 1896," and shall be read and construed together with the Indian Immigration Law, 1891, and the Indian Immigration Amendment Act, 1895, as one Act. Short title of Act. Joint construction of Laws.

2. All marriages between Indians which have been registered by the Protector of Indian Immigrants in Natal between the 16th day of June, 1874, and the 14th day of June, 1890, inclusive, save and except as to any cases where either of the parties to any such marriage has since re-married in this Colony, and save also and except as to any cases where any such registration has been cancelled during the said period, shall be and the same are hereby declared valid, so far as this Colony is concerned, and such registration shall hereafter be accepted by all Courts, civil or criminal, within this Colony as conclusive evidence of the fact of the marriages to which the same refers. Validity of marriages registered between 16th June, 1874, and 14th June, 1891. Registration to be received as evidence.

3. All marriages of Indian Immigrants who arrived in this Colony between the 15th day of June, 1890, and the 8th day of September, 1891, inclusive, and who are described as married in the Emigration Lists for that period, save and except as to any cases where the parties to any such marriage have since re-married, shall be and the same are hereby declared valid, so far as this Colony is concerned, and such Emigration Lists shall hereafter be accepted by all Courts, civil or criminal, within this Colony as conclusive evidence of the fact of the marriages to which the same refer. Validity of marriages recorded in Emigration List between 15th June, 1890, and 8th Sept., 1891. Lists to be received as evidence.

Given at Government House, Natal, this 23rd day of May, 1896.

By command of His Excellency the Governor,

JOHN ROBINSON,
Colonial Secretary.

[No. 14, 1897.] (E.)

WALTER HELY-HUTCHINSON,
Governor.

ACT, "To amend the 'Indian Immigration Amendment Act, 1895.'"

Whereas it is expedient to amend the "Indian Immigration Amendment Act, 1895":

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Sections 12, 13, 17 and 18 of the "Indian Immigration Amendment Act, 1895," are hereby repealed. Sections 110, 111 and 114 of Law No. 25, 1891, which were repealed by the said Section 18 of the Indian Immigration Act, 1895, shall be revived and be of force in like manner as if they had not been repealed, save so far as they are by this Act specially amended. Repeal of Secs. 12, 13, 17 and 18 of Act 17, 1895, and revival of Secs. 110, 111 and 114 of Law 25, 1891.

2. All expenditure incurred by or through the Protector of Immigrants in carrying out the provisions of Section 15 of Law No. 25, of 1891, shall fall on and be paid by the Indian Immigration Trust Board. Payment of Expenses incurred by Protector.

3. Licenses to leave the Colony under Sections 90, 91, 99 and 100 of the Indian Immigration Trust Law, 1891, shall be given by the Protector with the previous approval of the Indian Immigration Trust Board. Licenses to leave the Colony.

4. A renewed indenture made under the provisions of Section 107 of Law No. 25, 1891, may be signed before the Protector or Deputy Protector of Indian Immigrants or before any Magistrate; but all renewed indentures made under the provisions of Act No. 17, 1895, shall be signed in the presence of the Protector or Deputy Protector of Indian Immigrants, or any other officer specially appointed by the Natal Government. Signature of renewed indentures.

5. Sections 106, 107, 108, 109, 110, 111 and 114 of Law No. 25, 1891, shall not apply to Indians introduced into Natal under contracts of indenture made in pursuance of Act No. 17 of 1895. Certain sections of Law 25, 1891, not to apply to Indians introduced under Act 17, 1895.

Given at Government House, Natal, this Twenty-second day of May, 1897.

By command of His Excellency the Governor,

THOS. K. MURRAY,
Colonial Secretary.

[No. 28, 1897.] (F.)

WALTER HELY-HUTCHINSON,
Governor.

ACT, "To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants."

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Any Indian who has not been liable to service under indenture in terms of Law No. 25, 1891, or any Act amending the same, may, on application through the Magistrate of his Division to the Protector of Indian Immigrants, or to the Protector of Indian Immigrants direct, obtain a pass in the form provided in the Schedule to this Act, on satisfying the Magistrate, or the Protector of Indian Immigrants, with the information required for the purposes of such pass, and upon providing a shilling stamp to be affixed to the pass. Uncovenanted Indians may obtain passes from Magistrate or Protector.

Exemption from arrest on production of pass.

2. The possession and production of a pass under this Act shall be *primâ facie* evidence of the status of the bearer of such pass, and of his exemption from the liability to arrest under Section No. 31 of Law No. 25, 1891.

Duration of passes.

3. No such pass shall be of force after the year in which it was issued, unless in each succeeding year it is endorsed by the Protector of Indian Immigrants, to whom it may be sent for that purpose through the Magistrate.

No action for damages by Indian arrested without pass.

4. If the Protector of Indian Immigrants, or any Magistrate, or Justice of the Peace, or any Police Constable, shall stop or arrest any Indian not carrying a pass granted under this Act, the Indian so stopped or arrested shall not be entitled to make any claim for wrongful arrest or detention merely on the ground that he was not an indentured Indian.

Offences.

5. Any person who obtains a pass by false representations, or who allows any fraudulent use to be made of his pass, shall be guilty of an offence against "The Fraudulent Passes Act, 1895."

SCHEDULE.

Pass under Act No. 28, 1897.

COUNTERPART OF PASS.	PASS.
	Magisterial Division of
Name	Name of Indian holding this Pass
Sex	Sex
Native of	Native of (County and Village)
Father's Name	Father's Name
Mother's Name	Mother's Name
Caste	Caste
Age	Age
Height	Height
Complexion	Complexion
Marks	Marks
If married, to whom	If married, to whom
Status	Status
Residence	Residence
Employment	Employment or means of subsistence
Date	Dated at this day of 189 .

Protector of Indian Immigrants.

Given at Government House, Natal, this Twenty-ninth day of May, 1897.

By command of His Excellency the Governor,

THOS. K. MURRAY,
Colonial Secretary.

(G.)

[No. 19, 1898.]

M. H. GALLWEY,
Administrator.

ACT, "To amend Act No. 28, 1897, entituled Act 'To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian Servants.'"

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Section 4 of Act No. 28, 1897, shall be amended by the insertion therein, after the words "under this Act," of the words "under a *bonâ fide* belief or suspicion that he is an indentured Indian."

Given at Government House, Natal, this Twenty-fifth day of July, 1898.

By command of His Excellency the Administrator.

HENRY BALE,
Attorney-General.

(H.)

[No. 1, 1900.]

WALTER HELY-HUTCHINSON.
Governor.

ACT, "To amend the 'Indian Immigration Law, 1891.'"

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Governor in Council may make rules regarding visits of Immigrants to Protector to make complaints.

1. The Governor in Council may from time to time make and alter rules prescribing any conditions to be observed by Indian Immigrants desirous of going to the Protector of Indian Immigrants for the purpose of laying their complaints before him, and any Indian Immigrant failing to comply with such rules shall not be exempt from arrest under Section 30 of Law No. 25, 1891, merely by reason that he is on his way to make such complaint.

How Immigrants to be taken back to their employers and at whose cost.

Immigrants absent without justification, punishment of.

2. It shall be lawful for the Protector of Indian Immigrants, or in his absence the Assistant Protector of Indian Immigrants, or any Magistrate, to cause any Indian Immigrant who shall have made his complaint as provided in Section 30 of Law No. 25, 1891, to be taken back to his employer by a messenger, and the cost of such messenger shall in the first instance be paid by the employer, and shall be borne by the employer unless the Protector, Assistant Protector, or Magistrate shall be of opinion that the complaint made was frivolous and unfounded, or otherwise that the Indian Immigrant was not justified in leaving his employer's premises without permission, and shall then so inform the employer, in which case the employer is hereby authorised to deduct from the wages of the Indian Immigrant the cost incurred in providing for his safe return to his employer, as provided in Section 30 of Law No. 25, 1891; and, further, the Indian Immigrant shall be liable in such case to be punished for illegal absence, as provided in Section 35 of the said Law No. 25, 1891.

Immigrant refusing to return, punishment of.

3. Should any Indian Immigrant decline to return to his employer when so directed, as provided in the preceding section, he shall be deemed guilty of contravening Section 31 of Law No. 25, 1891, and shall be dealt with accordingly, and every subsequent refusal shall render him liable to further punishment under the same section.

Joint construction of Laws.

4. This Act shall be read and construed together as one Act with the said Law No. 25, 1891, and with any other Law or Act amending the same.

Given at Government House, Natal, this Fifth day of February, 1900.

By command of His Excellency the Governor.

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 8, 1901.]

(I.)

HENRY MCCALLUM,
Governor.

ACT, "To extend the Law and Acts relating to Indian Immigration to the Province of Zululand."

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Indian Immigration Laws and Acts extended to Zululand.

1. The Law and Acts enumerated in the Schedule to this Act shall extend to, and be of force in, the Province of Zululand, subject to the provisions of Section 7 of Act No. 17 of 1898.

Commencement of Act.

2. This Act shall take effect from such date after the promulgation thereof as shall be appointed by Proclamation in the "Natal Government Gazette."

SCHEDULE.

Law No. 25, 1891, "The Indian Immigration Law, 1891."
Act No. 36, 1894, "To extend the powers of the Indian Immigration Trust Board."
Act No. 37, 1894, "To amend the Indian Immigration Trust Board Law, 1874."
Act No. 17, 1895, "The Indian Immigration Amendment Act, 1895."
Act No. 34, 1895, "To amend the Indian Immigration Trust Board Law, 1874."
Act No. 7, 1896, "The Indian Immigration Amendment Act, 1896."
Act No. 14, 1897, "To amend the 'Indian Immigration Amendment Act, 1895.'"
Act No. 28, 1897, "To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants."
Act No. 19, 1898, "To amend Act No. 28, 1897, entituled Act 'To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants.'"
Act No. 21, 1898, "To amend Act No. 34, 1895, entituled Act 'To amend the Indian Immigration Trust Board Law, 1874.'"
Act No. 1, 1900, "To amend the 'Indian Immigration Law, 1891.'"

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

(K.)

[No. 48, 1901.]

HENRY MCCALLUM,
Governor.

ACT, "To amend the Indian Immigration Amendment Act, 1895."

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Rate of wages of Indian women on re-indenture.

1. The rates of wages to be stipulated for in the covenant made by any Indian woman under the second section of Act No. 17, 1895, shall be one-half of the respective rates provided for in the said section, or such other special rate as may be mutually agreed on by the employer and the Indian woman, but in no case less than one-half of the respective rates aforesaid.

Trust Board may fix the annual instalments payable by successive employers.

2. The annual payments to be made by the successive employers of indentured Indian Immigrants as provided in section 14 of the said Act shall be fixed by the Indian Immigration Trust Board in their discretion: Provided that such annual payments by a second or succeeding employer under renewed indenture shall in no case exceed the annual payments made by the first employer under the original indenture.

Purposes to which the moneys may be applied.

3. The moneys accruing from the annual payments made as aforesaid by first and subsequent employers of indentured Indians may be used by the Indian Immigration Trust Board for the repayment of any moneys borrowed or debts incurred in the introduction of Indian Immigrants, or they may be applied towards the cost of introducing further Indian Immigrants, or of returning Indian Immigrants to India, or for such other purpose as the said Board shall deem necessary.

Given at Government House, Natal, this Twenty-third day of December, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

(L.)

[No. 2, 1903.]

Assented to by Order in Council.

HENRY MCCALLUM,
Governor.

ACT, "To amend the Indian Immigration Amendment Act, 1895."

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Application of Act.

1. This Act shall, save as is specially excepted, apply to the children of all Indian Immigrants coming within the provisions of Section 2 of Act No. 17, 1895, whether such children shall have been born before or after the arrival of their parents in Natal.

Exceptions.

2. This Act shall not apply to any person who shall have attained the age of majority (that is to say in the case of males sixteen years and in the case of females thirteen years) before the date of the taking effect of this Act, or to any lawfully begotten child born in Natal, whose father was not at the time of its birth subject to the provisions of Act No. 17, 1895, or to the grandchildren or any later descendants of Indians to whom Act No. 17, 1895, applies.

Obligations imposed upon Indian children to whom Act applies.

3. Every Indian child to whom this Act applies shall, upon attaining the age of majority, be obliged:

(*a*) To go to India, or

(*b*) To remain in Natal under indentures similar to and renewable in the same manner as the re-indenture referred to in Act No. 17, 1895, as amended by subsequent Acts, or

(*c*) To take out year by year, in terms of Section 6 of Act No. 17, 1895, a pass or license to remain in the Colony:

Provided, however, that if such child attains majority before the completion of his father's first or any subsequent indenture, the operation of this section shall be suspended until the completion of such indenture.

In the case of a child whose father is dead or not in Natal, or whose mother was unmarried at the time of the child's birth, the above reference to the father's indenture shall be deemed to apply to the mother's indenture.

Free passage to India.

4. A child to whom this Act applies shall be entitled to a free passage to India in order to enable him to proceed thither at the end of the first or any renewed term of indenture of his father (or of his mother, as the case may be).

The right to a free passage shall, however, be lost—

(*a*) If the father, or as in the above case, the mother, shall have completed a term of indenture during the child's minority and shall not have returned to India or entered into a fresh indenture in terms of Act No. 17, 1895.

(*b*) If the child does not go to India by the first opportunity available to him after attaining his majority or after the end of a term of indenture entered into under this Act.

5. The provisions of Act No. 17, 1895, and of all Laws and Acts construed therewith shall, so far as may be consistent with this Act, extend to all persons to whom this Act applies. Joint construction of Acts.

6. This Act shall not come into operation unless and until the Governor notifies by Proclamation in the "Natal Government Gazette" that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation. Commencement of Act.

Given at Government House, Natal, this Third day of March, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

(M.)

GOVERNMENT NOTICE No. 595, 1898.

The following Rules for the collection of the Indian Immigration Medical Fund, and the establishment of Hospitals for Indian Immigrants, have been approved by His Excellency the Governor in Council, in substitution for the "Rules for the Coolie Medical Fund and the Establishment of Coolie Hospitals," appearing under Government Notices Nos. 448, 1880, and 460, 1885, and are herewith published for general information.

G. T. PLOWMAN,
Acting Principal Under Secretary.

Colonial Secretary's Office, Natal,
October 17, 1898.

RULES FOR THE COLLECTION OF THE INDIAN IMMIGRATION MEDICAL FUND AND THE ESTABLISHMENT OF HOSPITALS FOR INDIAN IMMIGRANTS, FOR THE GUIDANCE OF MEDICAL OFFICERS AND EMPLOYERS OF INDIAN IMMIGRANTS.

Under and by virtue of the Powers conferred upon the Indian Immigration Trust Board of Natal, by Section 116 of Law 25 of 1891, the Board, with the approval of the Governor in Council, has been pleased to make the following Rules, Orders, and Regulations, regarding the establishment, management, control, inspection, and supervision of Hospitals for Indian Immigrants and for regulating the duties of the Indian Medical Officers, and generally for carrying out the Provisions of the said Law, in substitution for the "Rules for the Coolie Medical Fund and the Establishment of Coolie Hospitals," published under Government Notices Nos. 448, 1880, and 460 of 1885.

1. A clerk shall be appointed who shall be called the Medical Clerk, and who shall attend to all matters relative to the Medical Fund, issue forms of returns, check all such returns sent in by employers of Indian Immigrants by the books of the Board and ascertain if the number so returned is correct; and, in cases of doubtful returns being made, shall visit estates for the purpose of verifying such returns, and shall also perform such other duties as may be required.

2. Estate Hospitals shall be situated on convenient sites so to be approved by the Protector of Immigrants and Medical Officer, with two separate wards, one for males, the other for females, and shall consist of one or more buildings to be reserved exclusively for hospital purposes.

3. Estate Hospitals shall be sufficiently large to allow at least sixty square feet, and five hundred cubic feet of space for each patient, and to accommodate at least three per centum of the number of Immigrants employed on the estate, provided that in no case shall the Hospital contain beds or sleeping places for fewer than four persons.

4. In addition to the space allowed to the patients, the Hospital shall contain sufficient accommodation for the Hospital nurses and attendants; and a dispensary, with the necessary outbuildings, to be approved by the Protector of Immigrants and Medical Officer.

5. Proper nurses or attendants, subject to the approval of the Medical Officer, shall be provided by the owner or occupier of each estate, to attend the sick.

6. Estate Hospitals shall be built of either brick, stone, planking, iron, wattle and daub, or such material as may be approved by the Protector of Immigrants; they shall be well ventilated and drained, and shall be roofed with either slate, thatch, iron or tiles.

7. Estate Hospitals shall be entirely separate from any huts provided for the labourers, and shall be completely enclosed by means of a fence or wall of sufficient height.

8. All Indian Immigrants reporting themselves unfit for work, or being unfit for work, may be sent into the Estate Hospital to remain there under observation until convalescent, or until discharged by the Medical Officer. All cases of severe illness or emergency must be at once reported by the employer to the Medical Officer.

9. The Medical Officer may at any time, should he see fit, order any patient to be removed, at the expense of the employer, from the Estate Hospital for residence and treatment in the Central Hospital.

10. Any Indian Immigrant refusing to go into Hospital when ordered to do so shall be deemed absent without leave, and may be sent there by the employer on the written order of the Medical Officer and remain there until discharged by the Medical Officer.

11. The orders of the Medical Officer with regard to patients in the Estate Hospitals shall be strictly carried out.

12. Every employer of Indian Immigrants is required to provide a "General and Medical Register Book," as per Form annexed, marked A.

13. Where Central Hospitals are erected, the Medical Officer of the circle in which such Central Hospital is situated shall reside at such hospital, or as near to it as possible. The Medical Officer shall visit the hospital at least once a day. He shall exercise a general supervision and control over the patients and servants of the hospital and shall see that his instructions are strictly carried out.

14. A sufficient supply of medicines, medical comforts, surgical instruments, provisions, and clothing shall be provided and kept at the Central Hospital.

15. The Medical Officer shall authorise the admission to, and the discharge from, the Central Hospital of every patient, and in all cases of serious emergency or accident requiring surgical treatment, the person in charge of such hospital shall, in the absence of the Medical Officer, admit such patient, and report such admission to the Medical Officer on his arrival.

16. A fee of one shilling per diem per adult shall be charged during the residence and treatment of any patient admitted to the Central Hospital, and shall be paid by the employer. Such charge shall also cover nourishment and medicines.

17. It shall be competent to the Medical Officer for good and sufficient reasons to him appearing to decline to admit any Indian Immigrant to a Central Hospital, but in any case where a patient is declined by the Medical Officer, the ground of such proceeding must be fully and clearly placed on record in the Case Book of the Hospital.

18. Indian Immigrants actually destitute shall only be admitted to the Central Hospital for ordinary medical treatment under the order of the Medical Officer, subject to the sanction of the Board.

19. Friends of patients shall be admitted on Mondays, Thursdays, and Saturdays, between the hours of 2 p.m. and 5 p.m., except in cases in which the Medical Officer may deem it necessary to suspend the privilege for the benefit of the patient. Friends of patients will only be admitted at other than the prescribed hours at the discretion of the Medical Officer.

20. Patients, during residence, shall conform to any Regulations which may be made for the orderly management of the hospital by the Medical Officer and sanctioned by the Board.

21. The Medical Officer shall be required to keep a Case Book, in which shall be duly registered the character, progress, treatment, and result of all cases that come under his care in the hospital. This book shall be open to inspection by the Protector of Immigrants, Assistant Protector, or Secretary to the Board.

22. A daily Expenditure Book of provisions and medical comforts, &c., shall be kept at the Central Hospitals, and shall be examined and certified daily by the Medical Officer, who shall append his certificate that, to the best of his belief, the precise medical comforts, provisions, and medicines ordered by him have been given to the patients.

23. The Compounder shall reside at the Central Hospital; he shall render obedience to all lawful orders of the Medical Officer, or the Trust Board, as the case may be, and give general superintendence and assistance in nursing, and in keeping the accounts of the hospital. He shall also give attendance and aid in surgical operations.

24. The male and female attendants shall be held responsible for the general arrangements for cooking, cleaning, serving, and nursing within the establishment.

25. The Medical Officer shall be required to furnish the Board with a return of the provisions, medical comforts, &c., issued during the month, showing the daily issue (in the form hereafter given, marked B), and balance on hand from the previous month (if any), purchases during the month, and balance on hand at the close of the month. This return shall be certified by the Medical Officer and forwarded to the Board on or before the 7th day of each month.

26. The Medical Officer shall report to the Board any misconduct on the part of the hospital attendants or others employed in the Central Hospitals.

27. Central Hospitals shall be placed on convenient sites to be approved by the Trust Board and the Medical Officer of the circle.

28. Each Medical Officer shall visit every estate or place upon which male adult Immigrants are employed as under:—

200 and over every seven days.

20 up to 200 every fourteen days.

10 up to 20 every month.

Under 10 not unless sent for.

Provided that no Medical Officer shall be obliged to visit any place or estate where less than twenty male adult Indians are employed situate beyond 15 miles from the Central Hospital or the residence of the Medical Officer, except as provided in Rules numbered 29 and 30. He shall keep duly posted at every estate or place a General Register Medical Book, Form A.

29. In cases of severe illness and emergency of any kind, he shall attend as frequently as the urgency of the case may demand.

30. When summoned by the person in charge of an estate, or by an employer of Indian Immigrants, Indentured or Free, on account of sickness of any such Indian Immigrants, it shall be his duty to attend at any time with as little delay as practicable.

31. On or before the 10th day of each month the Medical Officer must forward to the Board a return, Form C, of all estates and places visited during the preceding month, to be transmitted to the Protector of Immigrants for his information.

32. It shall be the duty of every Medical Officer to report to the Protector of Immigrants, or the Trust Board, as the case may be, any estates or places within his circles on which Indentured or Free Indians are employed which are not included in his list.

33. The Compounder shall be authorised at his own discretion at once to receive any Indian Immigrant who appears to be in urgent need of medical treatment until he can bring the case under the notice of the Medical Officer. (Except as provided in Clause 18.)

FORM A.

General and Medical Register.

Estate or Place . Medical Circle .

Name.	Sex.		Adult or Child.	Official No.	Disease.	Treatment.	Result and Date.	Date of visit by Medical Officer.
	Male.	Female.						

FORM B.

Returns of Rations and Necessaries issued to.....in Central Hospital.....during the Month of.....18 .

Date.	Adults.	Rice.	Meal.	Dholl.	Salt.	Ghee.	Fish.	Beef.	Mutton.	Tamarinds.	Tobacco.	Curry.	Soap.	Oil.	Firewood.	Variations from Dietary Scale, Medical comforts, &c.							Remarks.
																Bread.	Wine.	Milk.					
Total																							
Distributed during Month.																							
Balance from last Month.																							
Purchased during Month.																							
Total Balance and Purchase.																							
Balance on hand ...																							

All variations from Dietary Scale made by my orders.

.....Medical Officer.

I certify that the foregoing is correct.

.....Medical Officer.

.....Compounder.

MEDICAL CIRCLE (FORM C).

Medical Report on Estates or Places visited during the Month of 18 .

Name of Estate, Place or Proprietor.	Date of Visit.	Number of Indians seen requiring treatment. Males, Females, and Children	If sent to Hospital or treated on Estate.		Result.	General Remarks.
			Hospital.	Estate.		

NOTE.—Attention is drawn to the following sections of Law No. 25, 1891.

Section 55. Whenever an Indentured Indian Immigrant is known to be affected with any venereal disease, the employer of such indentured Indian Immigrant, or the Medical Officer of the circle in which the Indian is employed shall, if such indentured Indian Immigrant be willing, cause him to be taken to a Central Hospital, to be received and detained there for medical treatment; and he shall not be discharged therefrom until reported cured; and the order of such employer or medical officer shall be sufficient warrant to the officers of such Central Hospital for receiving and detaining such Indian Immigrant until he be reported cured.

Section 56. If any such indentured Indian Immigrant, known as in the last preceding section mentioned to be affected with any venereal disease, shall not willingly go to any such Central Hospital, he may be arrested and detained in custody, and taken as soon as may be before the Magistrate of the Division, who shall examine into the matter and hear the objection of such indentured Indian Immigrant, and take such evidence as may be brought forward by such employer and the Medical Officer of the circle, and shall thereupon determine the matter, and may make order that such indentured Indian Immigrant shall be taken to the Central Hospital, and be there received and detained until he be reported cured; and such order shall be a sufficient warrant to the officers of such hospital for receiving such indentured Indian Immigrant and detaining him until he shall be reported cured.

Section 57. All costs and expenses connected with, and arising out of, the removal of such indentured Indian Immigrant to a Central Hospital, and of his detention and treatment therein, may be deducted by the employer from the wages of such indentured Indian Immigrant.

(N.)

GOVERNMENT NOTICE No. 195, 1901.

The following Rules and Regulations prepared by the Indian Immigration Trust Board are published for general information.

C. BIRD,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
April 22, 1901.

RULES AND REGULATIONS UNDER ACT 17, 1895.

1. Indian Immigrants returning to India after their first five years' indenture or re-indentures of two years each, shall proceed to the Board's Office for admission to depôt pending embarkation. And the employer shall issue a pass to enable the Indian to proceed to Durban. While Indians are in depôt waiting for a ship to India, it is desirable that they be induced to obtain daily labour at the Point or neighbourhood to provide for their maintenance during their residence there.

2. Any Indian Immigrant who desires to re-indenture shall be entitled to a pass for one month from his last employer; and should the employer refuse to give such a pass then the same shall be issued by the Magistrate of the District.

3. The pass to be given by the last employer of any immigrant or Resident Magistrate shall be in the form marked "A."

4. The Magistrate shall not issue a pass unless he has the name and official number of the immigrant, and in case of any doubt he should at once obtain the necessary information from the Secretary, Indian Immigration Trust Board.

5. When an Indian signifies to his last employer that he intends to re-engage with him, then the issue of this pass is not necessary.

6. When an Indian has completed his or her first term of indenture or re-indentures and agrees to work for an employer of his or her choosing, then the employer must at once inform the Secretary, Indian Immigration Trust Board, of the fact, giving the name and number of the Indian to be re-indentured, and stating whether the contracts are to be signed before the Magistrate of the District or before the Protector of Immigrants.

7. The Secretary, Indian Immigration Trust Board, will then cause the contracts to be made out in triplicate, and forwarded when ready to the Magistrate, or retained at the Board's office, if before the Protector of Immigrants, and it will then be the duty of the employer to advise the Magistrate, or the Protector of Immigrants when he will appear with the Indians to sign the contracts of indenture.

8. It will be competent for anyone representing the employer by power of attorney to appear before the Magistrate or Protector of Immigrants.

9. The employer may, however, if he so desires, obtain from the Secretary, Indian Immigration Trust Board, forms of contract which he shall fill in in triplicate, and proceed with the Indians to the Magistrate to have the same attested.

10. Any Indian Immigrant failing to find an employer of his or her own choosing, and desiring the assistance of the Protector or Board to enable him or her to obtain re-engagement, must proceed to the Board's Office, Durban, to be re-indentured, subject to the approval of the Protector of Immigrants, to any applicant willing to accept of his or her services.

11. Should any difficulty arise in finding an employer for these Indians, then the Board may allot such Indians to any applicant who may have applied for Indians to be introduced from India.

12. All contracts of re-indenture entered into before any Magistrate shall be at once forwarded by the Magistrate to the Secretary, Indian Immigration Trust Board, for safe keeping, a copy being handed to the employer and to the Indian Immigrant.

13. Contracts signed before the Protector of Immigrants shall also remain with the Board.

14. The cost of taking an Indian before the Protector of Immigrants or Magistrate for re-indenture shall be borne by the employer. But no charge shall be made for attesting contracts of re-indenture under Act 17, 1895.

15. So soon as the contracts are signed the employer shall forthwith pay to the Secretary, Indian Immigration Trust Board, the annual instalment now fixed, but subject to variation, of £3 10s. on every male adult of 14 years or over, and on every male between the ages of 10 and 13 years, £1 15s.

These instalments are payable in advance, reckoning from the date of re-indenture.

Should any such instalment not be paid within one week of the contracts of re-indenture being signed, then interest will accrue at the rate of 8 per cent. per annum, and shall be reckoned until the instalment is paid. The Board will have statutory powers of proceeding against the employer for neglecting to pay the instalment.

16. Any person not being the employer of Indentured Indians desiring to have Indians indentured to him under re-indenture must satisfy the Board as regards security for the payment of the annual instalment of passage money and other charges, such as wages, medical fees, &c., and the Board shall have the power to refuse to allot any Indians unless these conditions are complied with.

17. The wages of male Indian Immigrants who re-indenture shall be as follows:—

16 years and upwards, 16s. and 17s.

14 and 15 years, 14s. and 15s.

12 and 15 years, 13s. and 14s.

10 and 11 years, 11s. and 12s.

increasing in every subsequent year of re-indenture by 1s. per month up to 20s.

The wages of female Indian Immigrants may be as mutually agreed on, according to law.

18. Any Indian Immigrant after completing his or her indenture or re-indenture and desiring to remain in Natal without further re-indenturing, shall at once proceed with a pass to the Resident Magistrate of his or her Division, and pay the annual license as required by Section 6 of Law 17 of 1895, and the Magistrate shall issue a license in form "B."

To enable the Magistrate to identify the Indian requiring to take out a license, the last employer in giving a pass to the Magistrate shall state full particulars—name, number, sex, age, height, and bodily marks.

GENERAL.

19. It shall be the duty of the Secretary of the Indian Immigration Trust Board to advise the Government every three months of the number of Indian Immigrants who have completed their term of indenture, but who have not re-engaged or returned to India, or paid the annual license under Section 6, Law 17, 1895.

20. Any Indian who has completed his term of Indenture is liable to be arrested unless he or she can produce a pass authorising him or her to be at large.

FORM A.

Pass the Indian Immigrant No. Sex Age for one month from to enable h to choose the employer to whom h desires to be re-indentured.

The employer who desires to engage the services of the Indian holding this pass must at once communicate with the Secretary of the Indian Immigration Trust Board, Durban, so that arrangements may be made for re-indenturing the Indian.

190 .

Last Employer or Magistrate.

FORM B.

No.....A.

Pass the Indian Immigrant...

.....

Colonial Number.....Sex.....

Age..... Height... .....

Bodily Marks.....

he having paid the Annual License of (£3) Three Pounds Sterling as required by Section 6, Law 17, 1895.

This Pass expires on the..... .....190... and must then be renewed.

Isssued at the R.M. Office...

.....R.M.

No..... .....B.

TO THE COLONIAL SECRETARY.

The Indian Immigrant.....

.....

Colonial Number..... .....has paid the sum of (£3) Three Pounds Sterling as required by Section 6, Law 17, 1895.

The Pass granted to h. ..... expires..... 190 ...

Issued at the R.M. Office...

....R.M.

.....190...

———

No... ..... C.

TO THE SECRETARY I.

I. TRUST BOARD.

The Indian Immigrant.....

.. ..

Colonial Number..... .....has paid the sum of (3) Three Pounds Sterling as required by Section 6, Law 17, 1895.

The Pass granted to h..... expires.... . .....190...

Issued at the R.M. Office.....

.....R.M.

.....190...

PASS UNDER ACT 17, 1895.

No.....D.

Pass the Indian Immigrant...

.....

Colonial Number.....Sex.....

Age..... Height... .....

Bodily Marks.....

he having paid the Annual License of (£3) Three Pounds Sterling as required by Section 6, Law 17, 1895.

This Pass expires on the..... ....190...and must then be renewed.

Issued at the R.M. Office.....

.....R.M.

.....190...

(O.)

GOVERNMENT NOTICE No. 785, 1902.

It is hereby notified, for general information, that the following Rules made by the Indian Immigration Trust Board, under the provisions of Section 116 of Law 25, 1891, have been approved by the Governor in Council, and are published for general information, namely:—

RULES.

"1. It shall not be competent for any employer to remove or cause or allow to be removed any Indian Immigrant from the Estate or place to which such Indian Immigrant has been or may hereafter be assigned or transferred for employment without having first obtained the sanction of the Protector of Indian Immigrants in writing.

"2. It shall not be competent without the consent in writing of the Protector of Indian Immigrants first had and obtained for any Employer to continue the service or employment of

any Indian Immigrant away from the Estate or place to which such Indian Immigrant may have been, in the first instance, assigned or transferred.

"3. Any Employer or other person contravening either of the foregoing Regulations shall, upon conviction before any competent Court, be liable to a penalty not exceeding Two Pounds (£2) sterling for each offence."

C. BIRD,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
December 6, 1902.

(P.)

GOVERNMENT NOTICE No. 282, 1903.

The following Rules, made under the provisions of Section 1, Act 1, 1900, by His Excellency the Governor in Council, are published for general information.

C. BIRD,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
April 18, 1903.

RULES.

1. No Indentured Indian Immigrant desirous of going to the Protector of Indian Immigrants for the purpose of laying a complaint before him shall leave the Division wherein his place of service is situated without first obtaining a Pass from the Magistrate of such Division, otherwise such Immigrant shall not be exempt from arrest under Section 30 of Law No. 25, 1891.

2. The Magistrate shall, upon application for a Pass, in terms of the foregoing rule, cause the applicant's complaint to be taken down in writing, and, upon being satisfied that the applicant is acting in good faith, he shall issue to such applicant a Pass in the form of Schedule A hereof, or otherwise the Magistrate shall decline to issue such Pass.

3. If the Indian fails to obtain such a Pass, and does not immediately make his complaint to the Magistrate to be dealt with and tried according to Law, he shall be deemed to have contravened these Rules.

SCHEDULE.

PASS.

(Date.)

Magisterial Division of
The holder of this Pass (Name), No.
Indentured to (Employer and Address), is authorised to proceed to the Office of the Protector of Immigrants for the purpose of lodging a complaint.

Magistrate.

(Q.)

GOVERNMENT NOTICE No. 422, 1903.

The following Rule, made under the provisions of Section 116 of Law 25, 1891, and approved by the Administrator in Council, is published for general information:—

RULE.

"No Indian Immigrant who shall be admitted for medical treatment in any Central Hospital, or Estate Hospital shall leave such hospital without the consent of the Medical Officer for the circle in which such hospital may be situated.

"Any Indian Immigrant contravening this regulation shall, upon conviction before any Court having jurisdiction, be liable to a penalty not exceeding Two Pounds (£2) for each offence."

J. W. F. BIRD,
Acting Principal Under Secretary.

Colonial Secretary's Office, Natal,
June 13, 1903.

(R.)

[No. 5, 1903.]

HENRY MCCALLUM,
Governor.

PROCLAMATION, by His Excellency Colonel SIR HENRY EDWARD MCCALLUM, Royal Engineers, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Aide-de-Camp to His Majesty, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

Whereas by Section 140 of the Natal Mines Act, 1899, it is enacted that the Governor in Council may, from time to time, by Proclamation, make, alter, and revoke regulations for carrying into effect the provisions of the said Act:

And whereas by Section 141 of the said Act, it is further provided that Regulations may be made in manner aforesaid for purposes set forth in the said Section:

Now, therefore, I, the Governor in Council, do hereby proclaim and make known that, under the powers vested in me as aforesaid, I have made the following Regulations in terms of Sections 140 and 141 of the said Act, and that the same shall take effect upon the promulgation hereof in the "Natal Government Gazette."

The Rules Nos. 76 to 84, inclusive of the Rules published under Proclamation No. 74, of 1900, in the "Natal Government Gazette" of the 16th November, 1900, are hereby repealed.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony, at Pietermaritzburg, Natal, this Nineteenth day of January, One Thousand Nine Hundred and Three.

CHARLES J. SMYTHE,
Colonial Secretary.

ADDITIONAL RULES UNDER SECTION 141 OF THE NATAL MINES ACT, 1899.

Labour, Dwellings, and Sanitation.

86. No boy under the age of twelve years, and no female person of any age, shall be employed underground.

87. The wages of any person employed in or about a mine shall not be paid to him at or within any hotel, bar, canteen, or place where spirituous or fermented liquor is sold.

88. At every mine a room must be provided proportionate in size to the number of persons employed in wet workings or shafts, in which room the workmen may change and dry their clothing. Engine and boiler houses shall not be used for this purpose. The Inspector of Mines, appointed for carrying out Regulations under Section 143 of the Act, has power to exempt in writing those mines where the workmen's houses are so close to the shafts, or the workings so dry as to render the erection of these buildings unnecessary.

89. Proper dwellings shall be provided and maintained by the mine owner for all Native and Indian persons employed on the mining property.

Such dwellings shall be situated in as healthy a position as practicable, and shall be kept dry, clean, and free from draughts.

90. All dwellings to be erected for coloured employees shall be constructed of burnt brick or stone, rendered in good mortar, or of iron lined with green or burnt brick set in mortar and plastered or tarred, or of green brick set in mortar cemented outside and plastered or tarred inside. The floors shall be of concrete or asphalte, and shall be not less than six inches above the outer ground.

91. Every dwelling shall be provided with a boarded ceiling beneath the roof, whether such roof be constructed of corrugated iron or other suitable material.

92. Every roof shall be so constructed as to prevent the entrance of rain, and shall be at all times maintained in such condition.

93. Indians shall be accommodated in rooms of not more than 180 feet floor space, but the floor space of any room shall not be less than 100 superficial feet.

94. The height of each building from floor to ceiling shall not be less than 10 feet, or an average of 10 feet, and not less in any part than 9 feet.

95. Every such building shall be fitted with glass windows or wooden shutters capable of being opened in half the area, and one window of an area of 2 feet by 2 feet at least for each 180 feet of floor space.

96. For each 180 feet of floor space shall be provided a permanent ventilator of perforated brick or other material on each side at the height of 9 feet and of the area of two bricks, or continuous ventilation of buildings from end to end above ceiling.

97. Each room used as a dwelling shall be provided with a proper chimney flue.

98. In connection with every compound or group of dwellings shall be provided a proper ablution chamber, separate for Native and Indian employees and men and women respectively, which shall have a flooring of concrete cement, asphalte, or flags rendered in cement, graded to carry off water.

99. Such ablution chamber may be constructed of corrugated iron, and shall be enclosed on all sides and roofed.

100. All plans of new buildings shall be submitted through the Inspector of Mines before commencement, and, if approved, he shall signify in writing his approval; such approval shall not be given in the case of buildings for Indian Immigrants except the consent of the Protector for Indian Immigrants shall have first been obtained.

N.B.—Back-to-back dwellings are contrary to Public Health Regulations.

101. In connection with every mine adequate Hospital accommodation shall be provided for all cases of accidents, and for any sick who may be temporarily unfit for work, and wheresoever no Indian Circle Hospital exists within a distance of 15 miles such accommodation shall be provided for not less than eight per cent. of the coloured employees.

Water.

102. In connection with every compound or group of dwellings, an adequate supply of wholesome water shall be provided for drinking and general domestic purposes, and such supply shall be conveniently situated for the use of inmates.

103. If no spruit or stream of pure water run within 600 yards of the nearest part of any compound or group of dwellings, then necessary measures shall be taken for bringing water to a point at no greater distance than 600 yards.

104. When the water supply is derived from any spruit, whether direct or laid on by pipes or otherwise, supervision shall be exercised to prevent the pollution of such water by any material whatever.

105. In any case where a stream of satisfactory water runs within the distance prescribed, a catchpit or small reservoir shall be constructed with an overflow pipe in such a manner that the employees can fill the necessary vessel without disturbing any sediment at the bottom.

106. Every compound or group of dwellings shall be sufficiently drained so that no stagnant water remains in the vicinity of dwellings.

107. It shall be the duty of the Manager to see that the mine under his control is at all times kept in a good sanitary condition, both above and below ground.

108. Suitable latrines shall be provided both above and below ground, and kept clean and free from offensive smells, for the use of all persons employed in or about a mine, and any person making use of any place not so provided shall be guilty of an offence against these Regulations.

109. Sufficient latrine accommodation shall be specially provided for every compound or group of dwellings used by Indians or Natives, a portion of which shall be screened off for women, and the whole screened off from public view.

110. The latrines referred to in the last rule shall be shallow trenches, which shall be filled up at all intervals of not more than three days and fresh trenches dug, or they may be constructed with movable receptacles.

If trenches as aforesaid cannot be dug in any spot within the prescribed distance so that the surface water running over the place do not pass to any stream of water used for domestic purposes, then movable receptacles shall be provided which shall be emptied once in every period of twenty-four hours in such place that the water shall be in no danger of pollution.

111. Latrine trenches shall not be situated nearer than 100 yards to any dwelling nor further distant than 600 yards from the nearest, and shall at all times be so maintained that no offensive odour arise.

112. When Native or Indian employees are fed by the mine owner, the food and water supplied shall be of proper and wholesome character and in sufficient quantity.

113. In addition to the ordinary rations provided for different coloured employees, a ration of fresh vegetables, being either 1 lb. of potatoes, or 1 lb. of pumpkins, or ½ lb. of green vegetables, shall be supplied not less than twice in every week. In case of vegetables being unobtainable, ½ lb. of meat shall be provided each week. Meat in the case of Indian Immigrants shall mean fresh mutton.

114. The hours of labour for Indentured Indian men shall not exceed nine hours per diem. An interval of not less than one and a half hours shall be allowed for the mid-day meal.

115. The employment of Indian women shall only be on the surface, and the hours of labour shall not exceed eight hours per diem. The employment of Indians beyond the hours specified shall only be with their consent, and on receipt of not less than 2 pence per hour.

116. Proper medical attendance, medicines, and nursing shall be provided by the mine owner for sick Native and Indian employees without charge beyond the stoppage of the patient's pay during such time as he is incapacitated from work or proceeding to his home.

It shall be the duty of the Management to see that all Indians receive the medical attention and care they require, and especially during the first months after allotment. Any Indian Immigrant who has been laid aside from any sickness or accident shall when convalescent only perform work of such a character as the Indian Medical Officer shall certify, in writing, that he or she is capable of performing.

117. It shall be the duty of the Manager to consult with the Medical Officer of the mine in respect to the nature of the employment to which any Indian Immigrant shall be put to for three months after allotment, with the object of protecting such Immigrant from being obliged to perform work which may be likely to overtax his strength.

118. In all cases it shall be the duty of the Management to see that Indians are suitably clothed and kept warm during the hours of labour.

119. No coloured employee shall be allowed to take into or use in his sleeping room any brasier containing lighted coal. This Regulation shall only come into force where chimney flues have been provided.

120. In the case of buildings already erected, which do not fully comply with the requirements of these Regulations, the use of which it is the desire to continue, application must be made to the Inspector of Mines for permission to continue the use of such buildings with or without alterations.

The Inspector may grant or refuse permission, or grant temporary or conditional permission, for the use of such buildings.

In the case of such buildings used or intended to be used by Indian Immigrants, the Inspector shall submit the application to the Protector of Indian Immigrants, and shall not grant the permission until the Protector has signified his approval.

121. Any deviations from these Rules will only be allowed on the written consent of the Commissioner of Mines, and in the case of Indian Immigrants the consent of the Protector of Indian Immigrants must also be obtained.

122. The Commissioner of Mines shall have the power in special cases to allow modification as regards Rules Nos. 1, 2, 4, 5 and 8.

123. It shall be the duty of the Inspector of Mines, appointed for carrying out Regulations under Section 143 of the Act, to inspect all quarters occupied or used by employees, and the mine premises generally, and otherwise to enquire into the carrying out of Regulations 76 to 83.

124. The penalties provided by Section 142 of the Mines Act apply to contraventions of any of the foregoing Rules.

(S.)

[No. 89, 1903.]

HENRY MCCALLUM,
Governor.

PROCLAMATION, by His Excellency Colonel SIR HENRY EDWARD MCCALLUM, Royal Engineers, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Aide-de-Camp to His Majesty, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

Whereas, by Section 140 of the Natal Mines Act, 1899, it is enacted that the Governor in Council may, from time to time, by Proclamation, make, alter, and revoke Regulations for carrying into effect the provisions of the said Act:

And whereas, by Section 141 of the said Act, it is further provided that Regulations may be made for the purposes set forth in the said Section:

Now, therefore, I, the Governor in Council, do hereby proclaim and make known that, under the powers vested in me as aforesaid, I have made the following Amended Regulations in terms of Sections 140 and 141 of the said Act, and that the same shall take effect upon the promulgation hereof in the "Natal Government Gazette."

The Rules Nos. 90, 91, 114, 122, and 123 of the Rules published under Proclamation 5, of 1903, in the "Natal Government Gazette" of the 20th January, 1903, are hereby repealed.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony, at Pietermaritzburg, Natal, this Tenth day of August, One Thousand Nine Hundred and Three.

CHARLES J. SMYTHE,
Colonial Secretary.

Amended Regulations under Section 141 *of the Natal Mines Act,* 1899.

Regulation 90. All dwellings to be erected for coloured employés shall be constructed of burnt brick or stone, rendered in good mortar, or of iron lined with green or burnt brick set in mortar and plastered or tarred, or of green brick set in mortar cemented outside and plastered or tarred inside. The floors shall be of concrete or asphalte or properly constructed of earth,

and shall be not less than six inches above the outer ground, but it shall be competent for the Health Officer for the Colony, or the Inspector of Mines, to, at any time, call upon the Manager of a Mine to replace any earthen floors by concrete or asphalte.

Regulation 91. Every dwelling shall be provided beneath the roof with a boarded ceiling, or with a ceiling of suitably fixed brattice cloth, whether the roof be constructed of corrugated iron or other suitable material.

Regulation 114. The hours of labour for Indentured Indian men shall not exceed nine hours per diem. An interval of not less than one hour, reckoned from pit bank to pit bank, shall be allowed for the mid-day meal.

Regulation 122. The Commissioner of Mines shall have the power, in special cases, to allow modification as regards Regulations Nos. 90, 91, 93, 94, 96, 97 and 98.

Regulation 123. It shall be the duty of the Inspector of Mines, appointed for carrying out Regulations under Section 143 of the Act, to inspect all quarters occupied or used by employés, and the Mine premises generally, and otherwise to enquire into the carrying out of Regulations 86 to 122.

III.

Indian Immigration Trust Board.

[No. 20, 1874.] (A.)

Law, (Signed) Benj. C. C. Pine.

(Enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof.)

"To repeal Law No. 14, 1871, entituled Law 'To repeal Law No. 16, 1864, and to amend Law No. 2, 1870,' and to create an Indian Immigration Trust Board to administer for the purposes of Immigration all funds which may be received by said Trust Board."

Preamble.

Whereas it is expedient to repeal Law No. 14, 1871, entitled Law "To repeal Law No. 16, 1864, and to amend Law No. 2, 1870," and to create an Indian Immigration Trust Board to administer for the purposes of Indian Immigration all funds which may be received by said Trust Board:

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof as follows:—

Repeal of Law 14, 1871.

1. Law No. 14, 1871, entituled Law "To repeal Law No. 16, 1864, and to amend Law No. 2, 1870," shall be, and the same is hereby repealed.

Governor in Council may incorporate Board by Letters Patent.
Style of Board.
Constitution thereof.
Quorum.
Removal of members.
Filling vacancies.

2. It shall be lawful for the Lieutenant-Governor in Council by Letters Patent to be by him for that purpose issued under the Public Seal of this Colony, to incorporate a Board by the name of "The Indian Immigration Trust Board of Natal," to consist of the Protector of Indian Immigrants and two other persons, at least one of whom shall be an officer under the Government of Natal, to be appointed by the Lieutenant-Governor, of whom two shall be a quorum, and from time to time to remove any member, or to appoint any person to fill any vacancy that may occur in such Board.

Common seal.

3. The said Board shall have a common seal for its use in transacting the business thereof.

Secretary.
Tenure of office.
Salary.

4. The said Board shall from time to time appoint its own Secretary, who shall hold office during the pleasure of the Board, and through whom the Board shall communicate with any public department or officer, or other person or persons or body corporate. The salary of the Secretary shall be fixed by the said Board, subject to the approval of the Lieutenant-Governor.

Duties of Board.

5. The said Trust Board shall be the department to undertake the receipt, disbursement, and administration of all moneys for purposes of Indian Immigration.

Immigration Fund to vest in Board.

6. From and after the creation of the said Board, the Immigration Fund heretofore established under the said repealed Laws, shall vest in such Board under this Law; and until the creation of said Board, the said Immigration Fund shall be and continue in the hands and under the control of the Colonial Treasurer.

Monies to be entrusted to Board.
How to be expended.

7. All sums which have been or may be raised under the authority of Law 2, 1870, Law 16, 1871, or Law 12, 1872, or of any Law which may hereafter be passed, for the purpose of Indian Immigration, shall be entrusted to the said Board, to be by them expended in carrying out the Laws relative to such Immigration, and shall be paid into the Treasury and placed to the account of the said Board; and the said Board shall expend all such sums in defraying and discharging and paying all expenditure connected with or incurred in the introduction of Indian Immigrants, and their return passages, and all expenses departmental or otherwise necessary in and about the reception, management, protection, and return of Indian Immigrants.

Governor may advance money, or raise same by loan; Not exceeding £50,000; And pay same to Board as a loan on interest.

8. For the purposes of immediate requirements for Indian Immigration, the Lieutenant-Governor is empowered to advance from General Revenue, or, if need be, to raise by loan upon security of General Revenue by the issue of debentures, in manner prescribed by "The Consolidated Loan Law, 1871," such sum not exceeding £50,000, as may be required by the said Trust Board, and to pay the same over to the said Trust Board as a loan, bearing interest at the rate of not less than five per centum per annum, upon such terms as to repayment and otherwise as may be agreed upon by and between the Lieutenant-Governor in Council and the said Trust Board.

Indian Loan, under Law 16, 1871, how counted. Contribution from general revenue.

9. The sum of £20,000, as set apart under the "Consolidated Loan Law, 1871," for the introduction of Indian Immigrants, shall be, and is hereby ordered to be, counted as part of the third of the cost of Indian Immigration to be paid in future from the general revenue; and the Lieutenant-Governor is hereby authorised and required to pay to the said Trust Board from general revenue, in addition to, and when the said sum of £20,000 is so expended, from time to time, a contribution equal to one-half of the sum paid as annual payments, indenture fees, or otherwise, by employers of Indian Immigrants: Provided, that when the said sum of £20,000 shall have been so expended, the general revenue shall not contribute for such purpose any sum exceeding £10,000 in any one year, without the consent of the Legislative Council.

Board may deposit in Treasury; And issue drafts; And may invest, with consent of Governor in Council.

10. The said Trust Board may deposit in the Colonial Treasury any or all of the moneys entrusted to the said Board under this Law, and may from time to time withdraw all or any portion or portions of such deposits by drafts on the Treasury, and the said Board may also, with the consent of the Lieutenant-Governor in Council, under his hand, deposit and invest all or any of the said moneys in any securities which may seem proper.

Drafts, how made.

11. The payments of the said Board shall be by an order on the Colonial Treasurer, signed by two members of the Board, and countersigned by the Secretary or Acting Secretary, and the Colonial Treasurer is hereby required to pay all such orders either in the Colony or elsewhere as the case may be.

Powers of Board of requiring accounts, &c.

12. The said Board shall, on application through the Lieutenant-Governor, have power to require from any public department, board or officer, or other person or party bound by law to furnish the same to the Government, any account, return, statement, document, or information which the Board may deem requisite for the due performance of its duties.

Reports and accounts by Board, how and when to be rendered. Annual estimates.

13. The said Board shall annually, and from time to time, as and when requested by the Lieutenant-Governor, furnish such reports, accounts, vouchers, and documents, relating to any matter entrusted to or performed by the said Board, as the Lieutenant-Governor, by letter, under the hand of the Colonial Secretary, addressed to the said Board or to its Secretary, shall from time to time require. The said Trust Board shall also prepare and submit to the Legislative Council annually, an estimate of the Immigration expenses for the year, including return passages; and should it be shown that the annual payments under Law No. 2, 1870, indenture fees, and payments which are now or may be hereafter payable by employers of Indian Immigrants, are insufficient to meet the employers' quota of two-thirds of the expenses for which the Trust Fund may become liable under Section 7 of this Law, then the Lieutenant-Governor shall be, and he is hereby, empowered to increase such annual or other payments by such sum or sums as may be necessary for such purpose, calculating as an estimate the proportion of Indian Immigrants who may claim a return passage, on the average, as shown in the return of Indian Immigrants from other colonies.

Power to Governor to levy increased contributions from employers.

Fund to meet cost of return passages.

14. At the end of each and every year, the said Board are required to invest, in some investment to be approved of by the Lieutenant-Governor, from the sums received by them under this Law, the sum of ten shillings for each and every indentured Immigrant, as a fund to defray the expenses of return passages.

Reports of Board to be laid before Legislative Council.

15. The Lieutenant-Governor shall submit such reports to the Legislative Council at its first Session after the receipt of the same.

Board may make regulations; Subject to right of disallowance by Governor.

16. It shall be lawful for the said Trust Board, from time to time, to frame and draw up such rules and regulations as they may deem expedient to govern their proceedings and regulate the management of the funds entrusted to them; but all such rules and regulations shall be submitted to, and shall be subject to disallowance by the Lieutenant-Governor, and when approved shall be published in the "Government Gazette."

Short title.

17. This Law may be cited for all purposes as "The Indian Immigration Trust Board Law, 1874."

Commencement.

18. This Law shall commence and take effect from and after the promulgation thereof in the "Natal Government Gazette."

Given at Government House, this 12th day of January, 1874.

By command of His Excellency the Lieutenant-Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

(B.)

[No. 1, 1876.]

(Signed) HENRY BULWER,
Lieutenant-Governor.

LAW,

(Enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof),

"To repeal and re-enact with amendments the Law No. 28, of 1874."

Preamble.

Whereas it is expedient to amend the Law No. 28, of 1874, entituled Law "For authorising the Indian Immigration Trust Board to raise a further sum of £50,000 on Loan," and for such purpose to repeal and re-enact the same with amendments:

Be it therefore enacted, by the Lieutenant-Governor of the Colony of Natal with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of Law No. 28 of 1874.

1. The Law No. 28, of 1874, entituled Law, "For authorising the Indian Immigration Trust Board to raise a further sum of £50,000 on Loan," shall be, and the same is hereby repealed, provided, however, that nothing in this Law contained shall be construed to affect any proceedings taken, or acts done, under the provisions of said Law No. 28, of 1874, which shall be as valid and effectual as if the said Law continued to be of full force and effect.

The Governor may advance or raise by loan £50,000, as may be required by the Board.

2. It shall be lawful for the Lieutenant-Governor to advance, or if need be to raise by Loan, upon the security of General Revenue, by the issue of debentures, in the manner prescribed by the Law No. 5, of 1875, entituled Law "To raise a Loan for the construction and equipment of certain Railways in the Colony of Natal," or in such other way as may be determined by the Lieutenant-Governor in Council, such further sum not exceeding £50,000 as may be required by the Indian Immigration Trust Board as a Loan, bearing interest to be paid thereon by such Board at a rate not less than five per centum per annum, and upon such terms, as to repayment and otherwise, as may be agreed upon between the Lieutenant-Governor in Council and the said Trust Board, such sum to be use for similar purposes, and in the same manner as if it were included in the authority given in the Indian Immigration Trust Board Law No. 20, of 1874.

Commencement of Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the "Government Gazette."

Given at Government House, this Eleventh day of November, 1876.

By command of His Excellency the Lieutenant-Governor,

(Signed) F. NAPIER BROOME,
Colonial Secretary.

(C.)

[No. 19, 1876.]

(Signed) HENRY BULWER,
Lieutenant-Governor.

LAW,

(Enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof),

"To authorise the Indian Immigration Trust Board of Natal to raise a Sum of Fifty Thousand Pounds Sterling on Loan.

Preamble.

Whereas under the Eighth Section of "The Indian Immigration Trust Board Law, 1874," the Lieutenant-Governor was empowered to advance from Colonial Funds, or raise by loan on security of the General Revenue, a sum of Fifty Thousand Pounds Sterling, to be paid over to the Indian Immigration Trust Board, for the purposes in the said Law mentioned:

And whereas the Lieutenant-Governor advanced from Colonial Funds a sum of Fifty Thousand Pounds Sterling to the said Indian Immigration Trust Board, to be repaid within five years from date of said advance:

And whereas the said Trust Board are desirous of repaying said sum so advanced, and any Interest due thereon, and of exercising the power to raise the sum of Fifty Thousand Pounds Sterling by loan, on security of General Revenue, and thereby make available, as originally contemplated, during an extended period, for the purposes of said Loan, the sum advanced from Colonial Funds:

Be it therefore enacted by the Lieutenant-Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:—

Lieutenant Governor empowered to raise such sum not exceeding £50,000 as may be required by Indian Immi-

1. The Lieutenant-Governor of Natal is empowered to raise by loan, upon security of General Revenue, by the issue of debentures, in manner prescribed by the Law No. 5, of 1875, entituled "Law to raise a Loan for the Construction and Equipment of certain Railways in the Colony of Natal," such sum not exceeding Fifty Thousand Pounds Sterling, as may be required by the Indian Immigration Trust Board of Natal, as a loan, bearing interest, to be paid thereon

gration Trust Board, and on terms to be agreed upon

by such Board, at a rate not less than five per centum per annum, and upon such terms as to repayment and otherwise as may be agreed upon between the Lieutenant-Governor in Council and the said Indian Immigration Trust Board of Natal. Provided, however, that the said sum of Fifty Thousand Pounds Sterling shall not be raised except for the purpose of repaying to the Colonial Government of Natal such sum of Fifty Thousand Pounds Sterling advanced from General Revenue to the said Indian Immigration Trust Board of Natal, under the provisions of Section 8 of Law No. 20, 1874, entituled "Law to repeal Law No. 14, 1871, entituled 'Law to repeal Law No. 16, 1864, and to amend Law No. 2, 1870,' and to create an Indian Immigration Trust Board to administer, for the purposes of Immigration, all funds which may be received by the said Trust Board," and all interest due thereon. Provided, moreover, that the total liability of the General Revenue under Section 8 of Law No. 20, of 1874, and under the provisions of this Law, shall not at any time exceed the sum of Fifty Thousand Pounds Sterling, and the Interest and Sinking Fund payable on the same.

for purpose of repaying £50,000 advanced to the Board from General Revenue.

Total liability of General Revenue not to exceed £50,000 interest and sinking fund.

Commencement of Law.

2. This Law shall commence and take effect from the date of the publication in the "Government Gazette" of this Colony of Her Majesty's confirmation thereof or assent thereto.

Given at Government House, this Eleventh day of November, 1876.

By command of His Excellency the Lieutenant-Governor,

(Signed) F. Napier Broome,
Colonial Secretary.

(D.)

[No. 15, 1880.]

(Signed) Henry Bulwer,
Lieutenant-Governor.

Law,

(Enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof),

"To alter and amend Law No. 20, 1874, entituled Law 'To repeal Law No. 14, 1871, entituled Law 'To repeal Law No. 16, 1864, and to amend Law No. 2, 1870, and to create an Indian Immigration Trust Board to administer, for the purposes of Immigration, all funds which may be received by the said Trust Board.'"

Preamble.

Whereas about two-thirds of the funds administered by the Indian Immigration Trust Board of Natal, incorporated by Letters Patent, dated 22nd January, 1874, granted by the Lieutenant-Governor of Natal, under and by virtue of the provisions of the said Law No. 20, 1874, are contributed by the employers of Indian Immigrants, and it is expedient that additional members should be added to the said Trust Board, to represent the interests of such employers of Indian Immigrants:

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Law 20, 1874, altered.

1. The said Law No. 20, 1874, is hereby altered and amended, so far as may be requisite to give effect to the provisions of this Law.

Id. Sec. 2 repealed, and this Section substituted therefor.

2. Section 2 of "The Indian Immigration Trust Board Law, 1874," is hereby repealed, and there shall be substituted therefor the following clause:—"It shall be lawful for the Lieutenant-Governor in Council, by Letters Patent, to be by him for that purpose issued under the Public Seal of this Colony, to incorporate a Board by the name of 'The Indian Immigration Trust Board of Natal,' to consist of the Protector of Indian Immigrants and four other persons, not more than two of whom shall be officers under the Government of Natal, the Members of such Board to be appointed by the Lieutenant-Governor of Natal, with power to him from time to time to remove any Member and appoint as aforesaid persons to fill any vacancies which may occur on such Board; three of the Members of the said Board to form a quorum. The four Members appointed under the provisions of this section, exclusive of the Protector of Immigrants, shall from time to time, during the continuance of their appointments, go out of office, in the manner following, that is to say:—The first outgoing Member shall retire on the last Wednesday in the month of April in the year 1881, and one of the others on the last Wednesday in April in each succeeding year; all such retirements shall take place in the order in which the names shall stand on the list of Members: Provided that all Members shall remain in office until their successors shall have been appointed, and that each Member on retirement shall be eligible for re-appointment."

Duties of Board.

3. The said Indian Immigration Trust Board shall advise, assist, and co-operate with the Protector of Immigrants in all matters connected with Indian Immigration.

Funds to be vested in Board.

4. From and after the promulgation of this Law, all property, funds, moneys, and other effects belonging to the Indian Immigration Trust Board of Natal, incorporated under "The Indian Immigration Trust Board Law, 1874," shall vest in the Board hereby constituted; and all appointments, rules, regulations, and orders heretofore made shall continue in force, and shall be deemed to be appointments, rules, regulations, and orders made by the Board hereby constituted, until revoked, altered, or amended.

5. This Law may be cited for all purposes as "The Indian Immigration Trust Board Amendment Law, 1880," and shall be construed along with the said Law No. 20, 1874, as one Law. Short title. Construction of Law.

6. This Law shall commence and take effect from and after the promulgation thereof in the "Natal Government Gazette." Commencement of Law.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. Mitchell,
Colonial Secretary.

(E.)

[No. 37, 1894.]

Walter Hely-Hutchinson,
Governor.

Act, "To amend the Indian Immigration Trust Board Law, 1874."

Whereas it is provided by Section 9 of Law No. 20, 1874, that the Governor shall pay to the Indian Immigration Trust Board from the General Revenue a contribution equal to one-half of the instalments paid as annual payments, indenture fees, or otherwise, by employers of Indian Immigrants, but not exceeding Ten Thousand Pounds in any one year without the consent of the Legislative Council: Preamble.

And whereas it is expedient that such contribution shall cease to be paid as regards all Indian Immigrants who may be introduced into Natal on requisitions received by the said Board after the sixteenth day of April, 1894:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The General Revenue of Natal shall not be made to contribute to the cost of the Immigration of Indians introduced by the Indian Immigration Trust Board into Natal in pursuance of requisitions received by the said Board after the sixteenth day of April, 1894, anything contained in Section 9 of Law No. 20, 1874, to the contrary nothwithstanding. Contribution by Revenue to cease as regards future introduction of Indians.

2. In so far as Section 9 of Law No. 20, 1874, is in conflict with this Act it shall be, and the same is hereby and to that extent repealed. Part repeal of Section 9 of Law 20, 1874.

Given at Government House, Natal, this Thirtieth day of July, 1894.

By command of His Excellency the Governor,

John Robinson,
Colonial Secretary.

(F.)

[No. 34, 1895.]

Walter Hely-Hutchinson,
Governor.

Act, "To amend the Indian Immigration Trust Board Law, 1874."

Whereas it is expedient to amend the "Indian Immigration Trust Board Law, 1874":

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. So much of the "Indian Immigration Trust Board Law, 1874, as amended by the "Indian Immigration Trust Board Amendment Law, 1880," and the Acts Nos. 36 and 37 of 1894, and so much of any other Law in force in this Colony as may be repugnant to, or inconsistent with, the provisions of this Act, shall be and the same is hereby repealed in so far as shall be necessary to give effect to the provisions of this Act. Repeal of Laws.

2. This Act shall be read and construed together with Laws No. 20, 1874, No. 15, 1880, Act No. 36, 1894, and Act No. 37, 1894, as one Act, and all may be cited together as the "Indian Immigration Trust Board Acts, 1874 to 1895." Construction and short title of Act.

3. All members of the Corporation and Board styled "The Indian Immigration Trust Board of Natal," as constituted under Law No. 20, 1874, known as the "Indian Immigration Trust Board Law, 1874," as amended by Law No. 15, 1880, known as "The Indian Immigration Trust Board Amendment Law, 1880," Act No. 36, 1894, entituled an Act "To extend the powers of the Indian Immigration Trust Board," and Act No. 37, 1894, entituled "Act to amend the Indian Immigration Trust Board Law, 1874," shall vacate office at the close of the year 1895; and all future members of the said Corporation and Board shall be appointed by the registered employers of Indian Immigrants in manner hereinafter provided. Board to vacate office at close of 1895. Future members to be appointed by employers of Indians.

4. The said Corporation and Board shall continue in existence subject to the provisions of this Act. Continuation of Board.

Constitution of Board.

5. The said Corporation and Board, as continued by this Act, shall consist of five members, to be elected by four Divisions of the Colony, as follows:—Division No. 1, Victoria County, two members; Division No. 2, the Counties of Durban, Alexandra and Alfred, including the Borough of Durban, one member; Division No. 3, the Divisions of Umgeni, Lion's River and Ixopo, together with the City of Pietermaritzburg, one member; Division No. 4, the Counties of Umvoti Weenen and Klip River, including the Newcastle Division, one member.

First election.

6. The first election under this Act shall take place in December, 1895, and the persons then elected shall go into office on the first day of January, 1896.

Elections to be triennial.

7. Every election shall be for three years.

Re-election of retiring member.

8. The vacating of his seat by a member by lapse of time shall not disqualify him from being again elected.

Casual elections.

9. An election may be held under this Act as often as a vacancy occurs in the Board, whether by death, resignation, or other incapacity, or from any other cause whatever.

Voting papers.

10. Voting powers under this Act may be exercised by means of a voting paper signed by any registered employer, and such paper shall set out the number of male statute-adult Indians indentured to such employer, and such signed paper shall be sent to the Secretary of the Board, who shall make a register of the votes so given and a return of the person or persons elected.

Number of votes to be given by one employer.

11. Every registered employer shall have in respect of each member to be elected for his Division one vote for every male statute-adult Indian in the Division indentured to such employer up to one hundred and one vote for every ten of such Indians over and above one hundred.

Votes of companies.

12. The vote of a company or of a partnership may be given by the senior resident director or partner or by the manager of a company or partnership.

Mode of nomination and election.

13. The mode of nomination and election shall be as follows:—(*a*) The Board, through its Secretary or other officer, shall by circular give twenty-eight days' notice to each elector of the date when an election for his division is to take place. (*b*) Such notice shall require the nomination of candidates, signed by five electors and accepted by the candidate, to be lodged with the Secretary at least fourteen days before the election. (*c*) The Board through its Secretary or other officer shall, at least one week prior to the election, send to each elector a list of candidates and a voting paper, and information as to the number of votes the elector is entitled to. (*d*) The voting papers, filled up with the name or names of the candidate or candidates whom the elector may vote for and signed by the elector, must be returned to the Board before noon on the day of election. (*e*) At three o'clock on the day of election the Secretary or other officer shall, in public, count and register the votes and sign the return thereof, and the person or persons so elected shall be a member or members of the Board. (*f*) Any person entitled to vote may scrutinise the votes and register of votes and may challenge the return in any competent court.

Chairman of Board.

14. The said Board shall elect its own Chairman at its first meeting in 1896, who shall, unless he has ceased to be a member, hold office for twelve months, and thereafter from time to time, whenever the office of Chairman shall become vacant from any cause, the Board shall elect a new Chairman.

Vacation of seat by absence.

15. If any member of the Board shall absent himself from the meetings of the Board for four consecutive sittings, without the leave of the Board, he shall *ipso facto* vacate office.

Given at Pietermaritzburg, Natal, this Twenty-fourth day of August, 1895.

By command of His Excellency the Governor,

JOHN ROBINSON,
Colonial Secretary.

(G.)

[No. 21, 1898.]

M. H. GALLWEY,
Administrator.

ACT, "To amend Act No. 34, 1895, entituled Act 'To amend the Indian Immigration Trust Board Law, 1874.'"

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. If, at the close of the time appointed for receiving nominations of candidates for election as members of the Indian Immigration Trust Board of Natal, no more candidates shall stand nominated for any Division than there are vacancies to be filled up, the Secretary to the Board shall forthwith declare the candidates who may stand nominated to be elected, and the further procedure required by Sub-sections *c*, *d*, and *e* of Section 13 of Act No. 34, 1895, shall not become necessary, unless the number of candidates nominated for any Division shall exceed the number of vacancies.

Given at Government House, Natal, this Twenty-fifth day of July, 1898.

By command of His Excellency the Administrator,

HENRY BALE,
Attorney-General.

IV

European Immigration.

(A.)

The Immigration Act of 1894.

Arrangement of Clauses.

Preamble.
1. Repeal of Laws.
2. Rules or By-laws.
3. Publication.
4. Penalties.
5. Existing Contracts and Debts.
6. How enforced.
7. Appropriation of Crown Lands.
8. Re-appropriation of Immigration Lands as Crown Lands.
9. Appointment of Officers.
10. Existing By-laws.
11. Governor in Council substituted for Board.
12. Return of Lands Appropriated.
13. Short Title.
14. Commencement of Act.
Schedule.

[No. 4, 1894.]

Walter Hely-Hutchinson,
Governor.

Act, "To amend the Law relating to the Management of European Immigration."

Preamble. Whereas it is expedient to amend the Law relating to the management of European Immigration:

Repeal of Laws. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The Laws mentioned in the Schedule to this Act are hereby repealed. Such repeal shall not be construed in any way to prejudice or injure any settlement of Immigrants, or the rights and interests of any Immigrant in any land, commonage, water, roads, or otherwise; nor to disestablish or lessen the powers of any Committee appointed in any Settlement; nor to cancel or annul any By-law in force in any settlement.

Rules or By-laws. 2. The Governor in Council may make General Rules or Special By-laws for the better regulation of all or any of the following matters:—

a. The introduction and reception of Immigrants of European extraction.

b. The establishment of Immigrants upon available lands.

c. The sale and transfer of lands to Immigrants.

d. The control and use of commonages, water, roads, quarries, and rights of way connected with lands appropriated for purposes of Immigration.

e. The election and duties of Committees of Management in settlements and villages, and the powers of such Committees to levy and get in rates to be spent for the general good of the settlement or village.

f. The duties of officers employed in connection with Immigration in and out of the Colony.

Publication. 3. All such Rules or By-laws shall be published in the "Government Gazette" and shall be laid before Parliament.

Penalties. 4. Such Rules or By-laws may provide for money penalties, not exceeding £10, to be enforced for contraventions of any thereof.

Existing contracts and debts. 5. All contracts and obligations duly entered into, and all debts due by the Land and Immigration Board, shall be binding on the Colonial Government.

How enforced. 6. All moneys and contracts, which but for the repeal of the scheduled Laws would be recoverable or enforceable by the Land and Immigration Board, shall be payable to, or enforceable by, the Colonial Secretary.

Appropriation of Crown Lands. 7. The Governor in Council shall have power, by notice in the "Government Gazette," to appropriate any Crown Lands, suitable for the purpose, for the objects of Immigration; and the effect of such notice shall be to bring such lands from under the Rules relating to the sale of Crown Lands, and to subject them to the Rules referring to Immigration Lands.

Re-appropriation of Immigration Lands as Crown Lands.

8. Whenever the Governor in Council shall cause it to be notified in the "Natal Government Gazette" that any unalienated lands set apart for the purposes of Immigration, and in or over which no right has been acquired by Immigrants, are not required for that purpose, such lands shall become, and be dealt with as ordinary Crown Lands of the Colony.

Appointment of officers.

9. The Governor may appoint and dismiss any officers and servants employed for the purposes of Immigration.

Existing By-laws.

10. By-laws passed under any of the repealed Laws may be enforced as if they were By-laws passed under this Act.

Governor in Council substituted for Board.

11. Wherever in any Law the Land and Immigration Board is mentioned, the Governor in Council may be deemed to be referred to.

Return of lands appropriated.

12. In cases where the Governor in Council shall appropriate Crown Lands for Immigration purposes, or shall appropriate as Crown Lands any lands previously set apart for Immigration purposes, a Return thereof shall be placed before Parliament if then in Session; if otherwise, within the first week of its next Session.

Short title.

13. This Act may be cited as "The Immigration Act of 1894."

Commencement of Act.

14. This Act shall commence and take effect on the first day of July, 1894.

SCHEDULE.

No. of Law.	Title of Law.
Law No. 21, 1876.	Law to provide for the establishment of a Land and Immigration Board.
Law No. 22, 1876.	Law to provide for the appropriation for public purposes of certain lands reserved as villages or townships.
Law No. 23, 1876.	Law to provide for the appropriation for public purposes of certain lands reserved as commonge for the village of Weenen.
Law No. 13, 1881.	To amend and extend the provisions of Law No. 21, 1876, entituled Law "To provide for the establishment of a Land and Immigration Board."
Law No. 50, 1884.	To amend and extend the provisions of Law No. 21, 1876, entituled Law "To provide for the establishment of a Land and Immigration Board."
Law No. 5, 1885.	To enable the Land and Immigration Board to regulate the flow of water over all lands under their control or custody.
Law No. 41, 1888.	To make provision for the better supervision and management of settlements established by the Land and Immigration Board.

Given at Government House, Natal, this Twenty-ninth day of June, 1894.

By Command of His Excellency the Governor,

JOHN ROBINSON,
Colonial Secretary.

(B.)

GOVERNMENT NOTICE No. 569, 1903.

The following Rules and Regulations for the introduction of European Immigrants, made under Sub-section (*a*), Section 2 of Act No. 4, 1894, and approved by His Excellency the Governor in Council, in substitution for those published under Government Notice No. 357, 1897, are published for general information.

J. W. F. BIRD,
Acting Principal Under Secretary.

Colonial Secretary's Office, Natal,
August 14, 1903.

RULES AND REGULATIONS FOR THE INTRODUCTION OF IMMIGRANTS OF EUROPEAN EXTRACTION.

1. Subject to the approval of the Government, Assisted Passages (*vide* Rule 8) will be provided (on application only from persons being British subjects, residing in the Colony) from London or Southampton to Natal for nominated immigrants of the following Classes:—

(*a*) Wives and families (exclusive of male children above the age of 16 years) of *bonâ fide* Colonists.

(*b*) Female relatives of *bonâ fide* Colonists.

(*c*) Intended wives of *bonâ fide* Colonists.

(*d*) Female domestic servants, female shop assistants and clerks, dressmakers, governesses.

(*e*) Agriculturists.

2. The Government will consider applications for Assisted Passages for persons not included in the above category on their special merits.

3. Every applicant for a passage for an immigrant of either of the classes (*d*) and (*e*) shall enter into an agreement with the immigrant to employ such immigrant at a stated rate of wage for at least twelve months from the date of arrival of the immigrant in the Colony.

4. All applications for passages shall be framed in duplicate on the form prescribed and be addressed to the Secretary, European Immigration Department, for submission, as regards all proper applications, to the Government.

5. The passage granted at the Assisted Rate is the ordinary 3rd class by Intermediate Steamer of the Union-Castle Line.

6. Transfer from 3rd to 2nd class, or from Intermediate to Mail Steamer, may be effected subject to the approval of and in arrangement with the Agent-General for the Colony in London, who will furnish all particulars, on the application of the emigrant, as to the additional amount payable for any such transfer.

7. All applicants shall make arrangements for the immediate reception, on arrival, of immigrants introduced on their behalf. Failing such arrangements, nominators will be held liable for any expense incurred by the Department in respect of the reception, housing, and sending forward of immigrants.

Nominators will be further liable to a charge of 10s. per immigrant for each immigrant who, arising from neglect to observe the obligation imposed under this rule, requires the assistance of the Department after landing: and to an additional charge of 10s. per immigrant per day for each day or part of a day during which the Department is concerned with the oversight of the immigrant.

8. The rates for Assisted Passages under these rules shall be as follows:—

(*a*) For adults	£5 5 0 each.
(*b*) For children above 3 and under 12 years of age	£2 12 6 each.
(*c*) For a single child under 3 years of age	—
(*d*) For two or more children under 3 years of age of the same parentage	£2 12 6

9. Passages at the rate fixed by contract between the Government and the Steamship Company will also be granted in approved cases to small capitalists and their families intending to emigrate for settlement in Natal.

The Contract Rates are:—

(*a*) Adult males, Open berth, Intermediate ship	£10 2 0
(*b*) Adult males, ordinary 3rd class, Intermediate ship	£12 12 0
(*c*) Adult females, ordinary 3rd class, Intermediate ship	£12 12 0
(*d*) For children under 15, 1-16th of the ordinary 3rd class rate for each year of age entered upon. (Open berth passages shall not be granted to children).	

10. Contract Passages may be granted in other cases to be specially authorised by the Government.

11. In the event of an application for a passage being approved and of the passage not being taken up (proof of which must be to the satisfaction of the Secretary of the Department), the sum paid in respect of such application will be refunded, subject to a deduction of 10 per cent.

All applications for refunds must be made to the Secretary of the Department.

12. Should an immigrant, the cost of whose passage to the Colony has been paid, or arranged for by the Department, not reach the Port of Durban, or should he leave the Colony within one year of the date of his arrival, the applicant for the passage of such immigrant shall be liable to pay to the Secretary of the Department the difference between the sum deposited under these rules for an Assisted Passage and the actual amount disbursed for the passage of such immigrant by or on behalf of the Department.

13. All applications for passages must be accompanied by payment in accordance with these rules.

14. These rules shall in no case be applicable to persons who have formerly resided in any place in South Africa.

15. The rates under these rules shall be adjusted to the age of the nominee at the date of the nominee's reply to the notification form "A" issued by the Agent-General after receipt of authority to provide passage.

16. Approved applications shall be sent to the Agent-General for the necessary action and for signature, where necessary, by the emigrant, and for transmission, as to one copy thereof, to the emigrant for production to the Secretary of the Department on arrival in Natal.

The other copy shall be returnable to the Government by the Agent-General, with its corresponding shipment list.

17. Emigrants are to be directed by the Agent-General to report themselves on landing to the Secretary of the Department.

18. Every nominee shall be required to embark for the Colony within three months from the date of the Agent-General's notification of his nomination.

19. Conditions and regulations for the information and guidance of emigrants shall be issued to the nominees by the Agent-General.

20. Each applicant for a passage shall furnish such information as may be reasonably required by the Secretary of the Department, and shall subscribe a declaration in support of his application:

(*a*) As to the age of the nominee;

(*b*) That the nominee is not ineligible under Rule 14;

(*c*) As to the relationship of the nominee to the nominator, or capacity in which the nominee is being brought to the Colony;

(*d*) That he is a *bonâ fide* resident of , in the Colony.

21. Applicants shall also undertake to pay to the Government:

(*a*) Any difference between the cost actually incurred by the Government for a passage granted under (*d*) of Rule 9 and the sum paid to the Department for such passage by reason of any wrongful or erroneous under-statement of age of any nominee;

(*b*) The difference between the rates (*a*) (*b*), Rule 8, in case of any wrongful or erroneous understatement of age of any nominee for whom a passage might be granted under (*b*) of the said Rule 8;

(*c*) The rate (*b*), Rule 8, for any child wrongfully or erroneously declared to be within the meaning of (*c*) (*d*) of the said Rule 8, for whom passage might be granted;

(*d*) The sums for which he may become liable under Rules 7 and 12.

22. The benefits of these Rules may be extended in approved cases to the wives and families only of *bonâ fide* Colonists who, by reason of residence elsewhere than in the United Kingdom or on the Continents of Europe or America, are debarred from making London (or Southampton) their port of embarkation: provided that in no such case shall the contribution by or cost to the Colony of the passage of any immigrant exceed that which would be borne in bringing the same immigrant from London under any contract made by the Government for the conveyance of immigrants from the United Kingdom.

23. The benefits of these Rules shall be withheld from any person refusing to afford information reasonably required by the Department, or who shall offer statements calculated to lead to a diversion of the funds of the Department from their lawful purpose as by these Rules defined.

24. Any person obtaining or attempting to obtain by false representations an Assisted Passage, whether for himself or for another, neither being entitled thereto under these Rules, shall be deemed to have committed an offence, and shall, upon conviction, be liable to a penalty not exceeding £10.

V.

Native Immigration.

(A.)

Ordinance No. 4, 1855.

(Signed) H. Cooper.

Ordinance to prevent Natives being brought into this District.

Preamble. Whereas it is expedient to make provision for preventing persons from encouraging or inducing Kaffirs, the subjects of native chiefs, residing beyond the boundaries of this District, to come into the District, to the great danger of disturbing the peace and amity existing between the said native chiefs and the Government.

Be it therefore enacted, by the Acting Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

The subjects of native chiefs residing beyond the boundaries shall not be encouraged to come into this District. 1. No person shall, by any means whatever, directly or indirectly, induce or encourage any native, the subject of any such chief, or residing within the territory of such chief, to come into this District.

Such natives shall not be brought into this District. 2. No person shall bring, or cause or permit to be brought, any native, the subject of such chief, into this District, without the consent in writing of the Lieutenant Governor.

No cattle, &c., the property of such natives shall be brought into this District. 3. No person shall bring, or cause or permit to be brought, into this District, any cattle, sheep, or goat, the property of any native, the subject of any such chief.

Penalty. 4. Every person who shall be convicted of contravening the provisions of this Ordinance shall be fined any sum not exceeding fifty pounds, or less than five pounds, and in default of payment, shall be imprisoned, with or without hard labour, for any period not exceeding twelve months.

Courts in which offences under this Ordinance shall be tried. 5. Every contravention of this Ordinance shall be prosecuted and tried in the Court of the Resident Magistrate, of any county or division in which the party charged shall be found, or of that through which such party may have passed.

6. The amount of every fine recovered under this Ordinance, shall be applied in such manner as the Lieutenant-Governor may in each case direct. Fines to be applied as the Lieutenant-Governor may direct.

7. This Ordinance shall commence and take effect from and after the publication thereof in the "Government Gazette." Commencement of Ordinance.

GOD SAVE THE QUEEN.

Given at Pietermaritzburg, in the District of Natal, this 20th day of March, 1855.

By command of His Honour the Acting Lieutenant-Governor,

(Signed) WILLIAM C. SARGEAUNT,
Colonial Secretary.

By order of the Legislative Council,

(Signed) EDMD. TATHAM,
Acting Clerk of the Council.

(B.)

[No. 13, 1859.]

(Signed) J. SCOTT.

LAW, "To amend and regulate the Laws relating to the introduction and engagement of Immigrants from Territories to the Eastward of the Cape of Good Hope, not within Her Majesty's dominions in India."

(*Enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof.*)

Whereas it is expedient to amend and regulate the Laws relating to the introduction and engagement of immigrants from territories to the eastward of the Cape of Good Hope, not within Her Majesty's dominions in India: Preamble.

Be it therefore enacted, by the Lieutenant-Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the commencement of this Law, the introduction of immigrants from any place or places to the eastward of the Cape of Good Hope, and not within Her Majesty's dominions in India, into this Colony, shall be conducted in manner hereinafter provided; and no immigrants shall be introduced from any adjacent territory, or by sea, except as hereinafter provided; and all immigrants so introduced shall, under the conditions, and in the manner hereinafter specified, be competent to enter into contracts of service for any period not exceeding three years. Introduction of immigrants from the east.

2. Any person desirous of introducing to the Colony such immigrants by sea, may, previous to the departure of the vessel from the Colony, if such vessel shall be chartered in the Colony, apply to the Governor for a license authorising such introduction, which license the Governor shall have power to grant, as hereinafter mentioned. Governor to grant license.

3. If any vessel be chartered for the introduction of immigrants into this Colony, at any place out of the Colony, such license may be granted by any British consul, agent, or emigration agent, at or near such place, whom the Governor shall authorise to grant the same; and every such license shall be granted under such conditions as the Governor may direct. Licenses out of the colony, how granted.

4. Every person desirous of introducing immigrants overland, shall, previous to his departure, or to the departure of his authorised agent, apply to the Governor for a license, which the Governor shall have power to grant, in manner hereinafter mentioned. Immigration overland to be licensed by Lieutenant-Governor.

5. Every license to be granted under the provisions hereof, shall be limited to, and be in force for, a single voyage, or single journey, only; and shall specify the place whence the immigrants are to be procured, and where they are to be brought; and shall state therein the estimated cost of such introduction of each immigrant; and shall include such conditions and regulations as the Governor may deem necessary and proper for the collection and conveyance of immigrants. Term and conditions, &c., of license.

6. Provided always, that no such license be issued until the master, owner, or agents of such vessel,—or, in cases of introduction of immigrants overland, the party desirous to introduce the same, or his authorised agent,—enter into a bond, with two responsible sureties, resident in this Colony, for the due performance of the conditions and regulations in such license contained and specified. Bond to be entered into.

7. In the event of any immigrants being introduced into this Colony, or being brought into any harbour or roadstead thereof, without a previous license being obtained therefor as aforesaid, or without the conditions being fulfilled under which such license, if obtained, shall have been granted, the master, owner, and agent of the ship, or the person introducing them overland, respectively, shall, for every immigrant introduced or brought as aforesaid, be liable to a fine not exceeding fifty pounds, or be imprisoned for a period not exceeding three months. Penalty for introducing immigrants without license.

8. In the event specified in the preceding section, it shall moreover be lawful for the Governor to prevent any such immigrants, or intended immigrants, from being landed or introduced in any part of the Colony; and in case any of them should be so landed or introduced, Immigrants so introduced may be sent back.

it shall be lawful for him to direct measures to be taken, at the expense of the owner, agent, or master of the ship, or of the party bringing them overland, for having them sent back to the place from which they were taken.

If landed, period of service limited.

9. Provided, that if the Governor shall allow such immigrants to land, or remain in the Colony, they shall not be competent to enter into contracts of service for a longer period than three years.

Protector of immigrants to certify fulfilment of conditions;

10. On the arrival of any vessel at Natal with immigrants, or intended immigrants, after such vessel shall have received pratique; and on the arrival of immigrants overland, when they shall arrive at the depôt, the protector of immigrants shall repair on board such vessel, or visit such depôt, and ascertain, as far as possible, by personal inspection and examination, whether the provisions of this Law, and of any regulations to be framed in virtue hereof, and the conditions and regulations of the license, where such license shall have been obtained, shall have been duly complied with; and if he shall be satisfied that such is the case, he shall, without delay, grant a certificate to that effect.

or report to Governor.

11. If he shall not be satisfied thereof, he shall immediately report the matter to the Governor, under whose direction such certificate shall be granted or withheld, as to him may seem fit.

Immigrants to be delivered to protector of immigrants.

12. As soon as practicable after the said certificate, if granted, shall be obtained, the master of the vessel shall land such of the immigrants thereon as are intended for introduction into the Colony; and the said master, and the person bringing immigrants overland, shall deliver them to the protector of immigrants, together with a sufficient quantity of good and wholesome provisions for their maintenance, during the space of forty-eight hours next after their landing, or delivery at the emigration depôt.

Contracts of service.

13. All such immigrants shall, except as hereinafter provided, remain under the charge of the protector of immigrants, until they shall have procured employment; and no contract of service shall be entered into with any immigrant arriving in this Colony, until after he shall have been forty-eight hours on shore, and after certificate granted, and until he shall have obtained from the protector of immigrants a ticket of registration, as hereinafter provided. Every contract of service made before that time shall be null and void, to all intents and purposes.

Register of immigrants.

Tickets.

14. The protector of immigrants shall keep a separate register, in the form of the Schedule A, hereunto annexed, for the immigrants introduced into the Colony under the provisions of this Law. A ticket shall also be given to each of such immigrants, in the form of the Schedule B, hereunto annexed, in which shall be specified the period for which the said immigrant is competent to engage.

Tickets, how to be issued.

15. It shall not be lawful for the said protector to issue any ticket to such immigrant, unless proof shall have been previously given to him that the person desiring to engage such immigrant has paid or satisfied the master, owner, or agent of the vessel in which the said immigrant was brought, and to the person bringing immigrants overland, or the passage money, and all other expenses, due in respect of such immigrant, as the same shall be paid in manner hereinafter provided; or unless the said master, owner, or agent, or person bringing immigrants overland, or his agent, shall consent to such ticket being issued. But provided that the said protector shall be entitled, and on application thereupon shall be bound, to issue a ticket authorizing an engagement for any period not exceeding three years, to any immigrants who shall have been allowed to land, or remain in the Colony, in terms of the 7th section hereof, or who shall have been under charge of the said protector as aforesaid, for any longer period than fourteen days, without having been engaged in terms of the preceding sections.

Person introducing immigrants to receive compensation, if they enter into contracts with some other person.

16. In case any person shall have made arrangements with the master, owner, or agent of any vessel, or with any agent, for the introduction of immigrants by sea, or introduce immigrants overland by himself or agent, with a view to their engagement with himself, in terms of this law, and in case any of the immigrants introduced in consequence of such arrangement, shall be induced to engage with another person, such other person shall, in addition to the passage-money, and all other expenses payable as aforesaid, on account of the immigrants so to be engaged by him, and previous to the issuing of a ticket as aforesaid, pay to the protector twenty-five per cent. on the amount thereof, which twenty-five per cent. shall be paid by the protector to the person by whom the aforesaid arrangement for the introduction of immigrants shall have then been made. Provided, that previous to the departure of the vessel from the Colony, for the purpose of bringing such immigrants, if the vessel shall be chartered there, or from any other place where she shall be chartered for the said purpose, and in case of introducing immigrants overland, previous to his own departure, or that of his agent, such person shall have transmitted to the protector of immigrants a certificate, signed by himself, and by the master, owner, or agent of the vessel, and in cases of overland introduction of immigrants, a certificate, signed by the party introducing such immigrants, or his agent, as nearly as may be in the form of Schedule C, hereunto annexed; and also provided, that the said protector shall be satisfied, from entries in the ship's books, or any other evidence, that the immigrants, in respect of whom the twenty-five per cent. shall be claimed, were embarked or collected under the said arrangement, on account of the person claiming the same.

Expenses, from whom recoverable.

17. The passage money and expenses aforesaid shall in no case be a debt recoverable from the immigrant, but shall be paid by the master with whom any such immigrant may first enter into a written contract of service.

Penalty for ill-treatment, &c., during the voyage.

18. The master of any vessel by which immigrants shall have been brought to Natal, who shall not have furnished to such immigrants during the voyage a sufficient quantity of good and wholesome provisions and water, or who shall in any way have abused or ill-treated any

such immigrant while on board his vessel, shall incur a penalty not exceeding £50, and in default of payment shall be imprisoned for a period not exceeding twelve months, which punishment may be inflicted cumulatively, and may be doubled in aggravated cases, as well as on a repetition of the offence.

Penalty for ill-treatment, &c., during journey overland.

19. Any person introducing immigrants into this Colony overland, who shall not have furnished to such immigrants during the journey good and wholesome provisions, or who shall have in any way abused or ill-treated any such immigrants, while on such journey, shall incur a penalty not exceeding £50, and in default of payment shall be imprisoned for a period not exceeding twelve months.

Penalty for unlawful detention.

20. Any person who shall unlawfully detain any immigrants, one or more, against their will, in any place within the Colony, shall incur a penalty not exceeding £50 for every such immigrant, and another penalty of £5 for each month beyond the first month during which such detention may have been continued, and in default of payment shall be imprisoned for a period not exceeding two years.

Ord. No. 2, 1850, applicable under this Law.

21. The provisions of Ordinance No. 2, 1850, entituled, an Ordinance "For regulating the relative rights and duties of Masters, Servants, and Apprentices," so far as the same, or any part thereof, may be applicable, and not contradictory hereto, shall extend and apply to masters and immigrants under this Law, in such and the same manner as if the applicable sections thereof had been herein expressly re-enacted.

Governor to pass regulations.

22. The Governor, in Executive Council, shall have power to pass, and publish in the "Government Gazette," regulations for carrying out the objects of this Law; which regulations shall have the same force and effect as if verbatim embodied in this Law, and in any license to be granted as hereinbefore provided.

Prosecutions under this Law.

23. All contraventions of the provisions of this Law, for which there is imposed a penalty, shall be prosecuted and tried before the Resident Magistrate of the county or division within which the offence may have been committed, or into which the party offending shall arrive; and all penalties imposed by this Law, and which shall be recovered, shall be paid into the Colonial Treasury. Provided that the Lieutenant-Governor may in any case award the whole or any portion of any penalty imposed and recovered, to any person or persons upon whose information the offender was convicted.

Ord. No. 13, 1852, in part repealed.

24. So much of the Ordinance No. 13, 1852, entituled an Ordinance "For amending the Ordinance No. 2, 1850," as shall be repugnant to, or inconsistent with, any of the provisions of this Law, is hereby repealed.

Protector of immigrants.

25. In the construction of this Law, the words "Protector of Immigrants" shall mean the Immigration Agent of this Colony, or the Clerk of the Peace of the county or division into which the immigrant shall be introduced or located.

Promulgation.

26. This Law shall commence and take effect from and after the date of the promulgation thereof in the "Government Gazette."

SCHEDULE A.

Register of Immigrants.

Number.	Name of Immigrant.	Name of		Sex.	Age.	Stature.	Marks.	Caste (if any).	Native Country and Village.	Port or Place where Embarked.	Name of Vessel and Captain by which introduced.	Whether accompanied by children, and if so, their names, sexes and ages.	Time during which competent to engage.	Remarks.
		Father.	Mother.											

SCHEDULE B.

TICKET OF IMMIGRANT.

1. Name of Immigrant.
2. Number.
3. Name of { Father. / Mother.
4. Sex.
5. Age.
6. Stature.
7. Marks.
8. Caste.
9. Native country and village.
10. Name of vessel and captain by which introduced.
11. Whether accompanied by children, and if so, their names, sexes, and ages.
12. Time during which competent to engage.
13. Remarks.

Protector of Immigrants.

SCHEDULE C.

We, A. B. (designation), and C. D., master (or owner or agent) of the (name of vessel) of (port of registry) certify that an arrangement was, on the day of 18 , entered into between (mention by whom arrangement made) for the introduction into this colony, in the said vessel, of (mention number) male, and (mention number) female immigrants, on account of the said A. B.

A. B.
C. D.

The above certificate deposited in my office, this day of 18 .

E. F.,
Protector of Immigrants.

Given at Government House, this Twenty-first day of June, 1859.

By command of His Excellency the Lieutenant-Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

(C.)

[No. 15, 1871.]

(Signed) ROBT. W. KEATE.

LAW,

(Enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof),

"To facilitate the obtaining of labour."

Preamble.

Whereas it is expedient that Masters and Servants should have greater facilities for entering into contracts with each other, that servants should should have better opportunities for obtaining employment, and that when more servants are wanted they may be obtained from neighbouring countries, and for that purpose to repeal a portion of Law No. 13, 1859, and make suitable provisions in this law.

Be it therefore enacted, by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of Law 13, 1859, as to overland introduction of labourers.

1. That Law No. 13, 1859, shall be, and the same is hereby repealed, as far as regards the introduction of labourers overland.

Employer's bonus to labourer (where agreed to be paid) to be received by officer attesting contract,

2. When and so often as it shall be stipulated as a condition of any contract of service, that any sum of money shall be paid as a bonus by the employer to any labourer before, or at the time of, signing the contract of service, the Resident Magistrate or other officer empowered thereto shall be required to receive on account of such labourer, such sum of money, or such part thereof, as he may be requested by the contracting parties to receive. All such contracts shall be duly registered by the Resident Magistrate or other officer as aforesaid in a book to be kept for that purpose.

3. All such sums of money so received as aforesaid shall be deposited with the Resident Magistrate of the district, and be paid by him into the Government Savings Bank, to be invested at interest, for the purpose hereinafter mentioned. — and deposited in Government Savings Bank.

4. That on the expiration of the term of the said contract, the Resident Magistrate shall, on the application of the servant, pay over to him the amount of the bonus, with interest then due thereon, provided no objection thereto shall have been previously given, in writing, to the Resident Magistrate by the said Master. — On completion of service to be paid over to servant, failing objection by master.

5. If any dispute should arise between the said master and the said servant, and such dispute be referred to the Resident Magistrate for adjudication thereon, and if the Resident Magistrate should annul the contract of service, or if, at the expiration of the contract time, the master should object to the servant receiving the bonus and interest as aforesaid, the Resident Magistrate shall decide whether the said sum of money and interest, or how much thereof, if any, shall be paid to the said servant; and whatever amount is not paid to the said servant shall forthwith be paid to the said master: Provided that the receipt of such money by the said master, shall not in any way interfere with his right of action at law for damages caused by breach of contract. — In event of dispute between master and servant, the Resident Magistrate may decide as to awarding bonus.

6. That any person in want of servants may make application, in writing, to the Resident Magistrate of the district in which such person resides, and such application shall state what number of servants are required by such person, for what period, and at what rate of wages he wishes to hire them: And the Resident Magistrate shall enter such application in a book to be kept for that purpose. — Requisitions for servants may be made to Resident Magistrate,

7. On receipt of any such application by any Resident Magistrate, he shall take sufficient steps to inform the natives residing in his district that they can obtain employment on making application at his office. — who shall inform natives.

8. That when a servant makes application for employment to a Resident Magistrate, such application shall be entered by the Resident Magistrate in a book to be kept for that purpose: And the Resident Magistrate shall cause the said servant to be told the names of the person who have made application for servants, and the conditions on which such persons wish to engage servants. — Servants' applications to be entered.

9. That returns shall be sent, on the first day of each month, or as near thereto as possible, by the Resident Magistrates to the Colonial Secretary, stating that number of servants who have applied for masters and the number of masters who have applied for servants, and, stating also how many masters and servants have entered into contracts during the month. — Labour Returns.

10. Should such return show that the applicants for labour or for servants are in excess of the supply at more than one of the Resident Magistrates' offices, the Colonial Secretary shall forthwith publish in the "Government Gazette," and in each of the newspapers, a statement showing at which of the Resident Magistrates' offices such excess exists, and to what extent, and each Resident Magistrate shall on application supply to masters and servants all information in his possession respecting such excess of applications for labour or for servants, as the case may be. — Where demand and supply unequal at more than one magistracy, statement to be published.

11. When the returns from the Resident Magistrates show a considerable deficiency of servants, it shall and may be lawful for the Lieutenant-Governor to introduce the required number of servants from the countries beyond the borders of the colony, and provide for the return of such servants to their respective countries, provided such servants shall have worked not less than one year in Natal. — In event of considerable deficiency of servants arising, Lieut. Governor to introduce servants from beyond the colony,

12. One calendar month before sending for such servants the Lieutenant-Governor shall cause to be announced, once in the "Government Gazette," and once in all the local newspapers, his intention to send for such servants. — and previously publicly notify his intention of so doing.

13. That special application may be made to the Resident Magistrate by such employers as wish to have such servants sent for as before provided, such applications to be made by form, as in Schedule A hereunto annexed; and it shall be lawful for the Resident Magistrate to register such application unless he receives therewith a sum of ten shillings for each servant applied for in such application, which sum may be expended in the introduction of such servants, but such sum, or any portion thereof, not being so expended, shall be, within six months from the time of such application, returned to the said applicant. — Special applications to be received and registered.

14. Before any of the said applications are complied with the said master making such applications shall sign an undertaking, in the form provided in Schedule B, hereunto annexed. — Applicant to sign undertaking to pay expense of introduction.

15. It shall, and may be, lawful for the Lieutenant-Governor to grant a license, free of charge, to such persons as he may approve, to introduce labourers overland from countries beyond the borders of the colony, on application being made to the Secretary for Native Affairs to that effect, and such license shall state the rate of wages to be given. Any person so introducing labourers from beyond the borders of the colony, without such written permission, shall be liable, on conviction, to a penalty not exceeding £50, or, in default thereof, to imprisonment for a period not exceeding four months. — Lieut. Governor may grant license to approved persons to introduce labourers overland.

16. Any labourers introduced into the colony under the license of the Lieutenant-Governor shall, as soon as they have entered the colony, and until they shall have entered into contracts of service in manner hereafter provided, be considered the servants of the persons so introducing them, and shall come under the provisions of Ordinance No. 2, 1850, except as affected by the provisions of this law. — Labourers to be deemed servants of introducer, until they have contracted with other persons.

Resident Magistrate to supply messengers for safe conduct of labourers to destined Magistracy.

17. Each person so introducing such labourers shall proceed to the office of the nearest Resident Magistrate, who, on the application of such person, shall furnish, at the expense of such applicant as many native messengers as may be deemed necessary for the safe conduct of such labourers to the office of the Resident Magistrate of the county in which their services are required, and such labourers may enter into a contract of service with the person for whom they have been introduced under Ordinance No. 2, 1850, before the Resident Magistrate last mentioned.

Sections 16 and 17 applicable to labourers introduced by Government overland.

18. The two last preceding clauses shall also apply to labourers when introduced overland by the Government.

Persons introducing immigrants to receive compensation, if they enter into contract with some other person.

19. If any labourer or labourers, after being brought to the Office of the Resident Magistrate of the District in which his or their labour is required, should choose to enter into the service of any employer other than those who agreed with the agent for their introduction, such employer shall be bound to pay to the aforesaid agent such cost of introduction as shall have been previously agreed upon, and, in addition, ten per cent. upon such cost, to be paid to the person or persons who agreed with the agent for the introduction of such labourer or labourers but have not obtained the number or proportion agreed upon.

Contracts to supply native labour in lieu of land-rent, requisites of.

20. And whereas it is further necessary to provide for the regulation of cases in which labour is agreed to be supplied in lieu of rent by natives residing on lands, the private property of any individual, that when and so often as a contract is entered into to supply other labour than that of the contractor, or in addition to the labour of the contractor, the number of servants to be supplied, the time during which each servant is to be employed, the amount of wages to be paid to each servant, and whether rations are to be given to each servant, shall be specified in such contract, and it shall be lawful for a Resident Magistrate to attest such contracts, but the attestation of a Resident Magistrate shall not be necessary to the validity of such contract, or for the validity of any other contract mentioned or contemplated by this law, but the person contracting to employ the labour specified in any such contract shall, in the absence of such attestation, be held responsible for reasonable proof that the contract was fully and correctly explained to the other contracting party.

Wages thereunder to be paid to the labourers unless otherwise agreed.

21. All wages agreed to be paid by contracts under this law shall be paid to the servant actually working, unless otherwise provided in the contract.

Liability of person to whom labour is to be given thereunder defined.

22. Any person contracting for a supply of labour as provided for in Clause 20 of this law shall be liable for the whole of the wages he may have contracted to pay, and rations he may have contracted to supply, notwithstanding he may not employ the whole or any part of the labour mentioned in the contract, but should any servant neglect or refuse to offer his or her services at the time specified in the contract, or should be willing to engage him or herself to any other employer, such person shall not be liable to employ or pay wages or supply rations to such servant.

Liability of persons contracting to supply such labour defined.

23. The person or persons contracting to supply labour shall be liable for all damages caused by his or their failing to supply the number or class of servants mentioned in such contract at the time specified therein.

Action for damages under said contracts, when and how instituted.

24. Any action for damages instituted by or on behalf of either of the said contracting parties, in respect of any breach of such contract, shall be instituted and tried in the Court of the Resident Magistrate having jurisdiction, but such action shall not be sustained unless it is commenced within three calendar months from the date when the cause of action arose.

Such damages against contractors recoverable as rent, to extent of £10.

25. Whenever a contract to supply labour shall be accepted by the owner or occupier of land, in whole or in part, as rent for the use of land by the person contracting to supply such labour, and when damages shall have been awarded, and when the sum so awarded shall not exceed ten pounds sterling, the said sum shall be considered rent and be recoverable as such, and when the sum so awarded shall exceed ten pounds, that amount only shall be considered rent, and the balance may be recovered in the usual way.

Duration of verbal and written contracts respectively.

26. Verbal contracts of service or to supply labour shall not be binding for a longer period than one year, and written contracts of service or to supply labour for a longer period than three years.

Illegal clauses not to vitiate contract.

27. Should one or more of the stipulations of any contract entered into for the supply of labour be judged illegal, the remaining clauses thereof shall not be thereby invalidated.

Disputes between natives thereunder triable under Native Law.

28. Any dispute arising between native and native, with reference to any such contract, and brought before a Resident Magistrate, shall be adjudicated upon by such Resident Magistrate in his capacity as Administrator of Native Law, and not otherwise, and such adjudication shall not be liable to review, except before the Supreme Chief.

Construction of this law as regards existing Laws.

29. The provisions of this law shall have full force and effect, anything in Ordinance No. 2, 1850, in Ordinance No. 13, 1852, in Ordinance No. 4, 1855, in Law No. 18, 1862, and in Law No. 23, 1865, to the contrary, notwithstanding.

Governor in Council may make Rules.

30. The Lieutenant-Governor in Council shall have power to pass, and publish in the "Government Gazette," and from time to time to alter, amend, vary, or annul regulations for carrying out the provisions of this law, which regulations shall, after such publication, have the same force and effect as if verbatim embodied in this law.

31. The term "Magistrate" occurring in this law shall mean the Resident Magistrate or Assistant Resident Magistrate and no other, and the term "officer" shall mean any person appointed by the Lieutenant-Governor for the purposes of this law. Interpretation clause.

32. This law shall commence and take effect from and after the promulgation thereof in the "Government Gazette." Commencement of Law.

SCHEDULE A.

To the Resident Magistrate
of

I hereby request to be supplied with native labourers, with whom I hereby engage to enter into a contract of service before a Resident Magistrate, as provided for by law No. , for a period of months, and to each such servant I hereby engage to pay as wages shillings per month, and to give him sufficient rations, subject to the usual provisions of the contract aforesaid.

Signed

SCHEDULE B.

I hereby promise to pay to the Resident Magistrate of the of on account of the Colonial Treasurer, for each native introduced from beyond the colony, at my request, when such native shall have entered into a contract of service with me for a period of twelve months, such expense as may have been incurred in the introduction of such native.

Given at Government House this Twenty-eighth day of November, 1871.

By command of His Excellency the Lieutenant-Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

[No. 48, 1884.] (D.)

(Signed) HENRY BULWER,
Governor.

LAW,

(Enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof),

"To provide for the better regulation of the passing and re-passing of Natives between Natal and the neighbouring States and Territories."

Whereas it is expedient to make provision for regulating the entry of Natives of the neighbouring States and Territories into the Colony of Natal, and the return of the same, and for the departure from Natal or return thereto of Natives residing, or who had been resident in the Colony: Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Governor in Council may from time to time and at all times frame, make, and issue such Rules and Regulations as may be considered necessary for the purpose of regulating and making provision for the entry of Natives into this Colony, their sojourn therein, and their return therefrom, and to amend, alter, vary, or annul any such Rules and Regulations. Governor in Council may make Rules regulating entry of Natives into Colony, sojour therein, and return therefrom.

2. It shall also be lawful for the Governor in Council from time to time and at all times to frame, make, and issue such Rules and Regulations as may be considered necessary for the purpose of regulating and making provision for the departure beyond the boundaries of Natal, or return thereto, of Natives residing or who had been resident in the Colony. Governor in Council may make Rules regulating departure from or return to Natal of Natives resident in the Colony.

3. Any person who shall harbour any Native contravening any of the Rules or Regulations made under this Law, or who shall in any way aid or abet any Native in violation of this Law or the Rules and Regulations made hereunder, shall be deemed guilty of a contravention of this Law and the Rules and Regulations issued in virtue hereof. Person harbouring or aiding Native in violation hereof to be deemed guilty of a contravention.

Penalty for contravention of Rules. Moiety may be awarded to informer.

4. Any person or persons knowingly contravening any of the Rules made under this Law shall be liable to pay a fine not exceeding £10, or in default of payment thereof to imprisonment for a term not exceeding Three Months, with or without hard labour, or both: Provided that one half, of the penalty imposed may be awarded by the Court before which the case is tried to the informer through whose information such person or persons shall have been convicted.

Contraventions, how prosecuted.

5. All contraventions of the Rules or Regulations made under this Law shall be prosecuted before the Court of the Resident Magistrate for the County, Division, or District in which such offence shall have been committed, in the case of Europeans, and before the Court of the European Administrator of Native Law in the case of Natives.

This Law not to be deemed to affect refugee regulations under Ordinance 3, 1849.

6. Nothing in this Law contained shall affect or be deemed to affect, or in anywise repeal, the regulations made in terms of Ordinance 3, 1849, regarding refugees coming into the Colony of Natal.

This Law only to extend to parts of the Colony declared by Government in Council to be under its operation.

7. This Law shall be in force and extend only to such Divisions, Counties, or Districts, as the Governor, by and with the advice of his Executive Council shall, by Proclamation, declare to be under the operation of this Law, and for such period only as from time to time may be deemed expedient and necessary.

Commencement of Law.

8. This Law shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation, upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

Given at Government House, Natal, this Eighth day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. Mitchell,
Colonial Secretary.

(E.)

Government Notice No. 25, 1889.

His Excellency the Governor directs that the following Immigration Notice, in substitution of Immigration Notice No. 14, 1884, be published for general information.

By His Excellency's command,

H. C. Shepstone,
Acting Colonial Secretary.

Colonial Secretary's Office,
Natal, January 5, 1889.

African Immigration Notice.

The Protector of Immigrants will receive applications from planters and others desirous of obtaining the services of immigrant labourers to be introduced from Delagoa Bay and Inhambane.

Forms of Bond and Requisition will be supplied on application to the Indian Immigration Office, at Durban.

2. Immigrants introduced by sea from Delagoa Bay and Inhambane are subject to the provisions of Law No. 13, 1859, and to the provisions of Ordinance No. 2, 1850, "For regulating the relative rights and duties of Masters, Servants and Apprentices," so far as the same may be applicable under the aforesaid law.

3. On arrival of any vessel with such Immigrants, and after the vessel shall have received pratique, the Protector of Immigrants, or, in his absence, the Assistant to the Protector of Immigrants, shall repair on board, and ascertain whether the provisions of the law have been complied with, and shall report the result of his enquiry for the information of the Governor. If satisfied thereof, the prescribed certificate will be immediately granted, and the Immigrants will be landed and located in the depôt.

4. No contract or service can be made with any such Immigrant until he shall have been on shore for not less than forty-eight hours, and shall have obtained from the Protector a Ticket of Registration. The Protector of Immigrants is appointed an officer to attest contracts of service.

5. The assignment of the Immigrants will be conducted in the same manner as that of the Indian Immigrants.

6. On arrival of each steamer the Immigrants will be allotted, and employers or their duly authorised agents must attend at a time and place which will be notified to them for the purpose of executing the contracts. In case of delay, or detention of Immigrants in depôt beyond three days after landing, an additional charge of one shilling per head per day will be incurred.

7. The cost of introduction of these African Immigrants is estimated at £4 13s. 3d. per head, which will have to be paid by the employers on receipt of the labourers.

8. It is not expected that Immigrants can be induced to come to Natal for less than seventeen shillings (17s.) per month for agricultural labourers, and one pound per month for ordinary labourers. Applicants should therefore state the highest wages they are prepared to give. Rations, lodging, medicines and medical attendance must be provided by employers in addition to such wages. Applicants should state the term of service for which they desire to engage such labourers. The term of service will be for one or two years at the option of the Immigrant.

L. H. Mason,
Protector of Immigrants.

Department of Immigration,
Durban, January 5, 1889.

(F.)

Government Notice No. 536, 1891.

His Excellency the Governor directs the publication, for general information, of the following Regulation which has been approved by His Excellency in Council in terms of Section 22, Law 13, 1859.

By His Excellency's command,

F. S. Haden,
Colonial Secretary.

Colonial Secretary's Office,
Natal, October 24, 1891.

Regulation under Section 22 of Law 13, 1859.

Natives introduced into Natal under the provisions of Law 13, 1859, shall, on their arrival at the Port, be liable to be landed and conveyed to quarters on the Bluff by the Health Officer, or other proper officer of the Natal Harbour Board, for a term sufficient to prove them to be free from contagious or infectious disease, and the cost of the board and lodging of such Natives and of Medical attendance upon them, shall be borne by the person introducing such Natives.

(G.)

Government Notice No. 363, 1899.

The following Rules regarding the issue of Passes to Natives entering and leaving the Colony have been framed by the Governor in Council under Law No. 48 of 1884, and are herewith published for general information.

Government Notice No. 106, 1899, published in the " Government Gazette " of 21st February, 1899, is hereby cancelled.

C. Bird,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
July 12, 1899.

Rules under Law 48, 1884.

Regulating the Issue of Passes to Natives entering and leaving the Colony.

Part I.

General.

1. These Rules shall come into operation on the 17th day of July, 1899.

2. All existing rules and regulations in force under Law 48, 1884, are hereby repealed, as from the date of the taking effect of these Rules.

3. No Native shall, save as is hereinafter excepted, enter or leave this Colony either by an inland border or by sea, unless he shall have obtained a pass for the purpose as provided in these Rules.

3. No Natives shall, save as is hereinafter excepted, enter or leave this Colony either by an inland border or by sea, unless he shall have obtained a pass for the purpose as provided in these Rules.

4. The Magistrates shall be Officers for the issue of passes, but inward passes may be issued by any Pass Officer appointed by the Secretary for Native Affairs, and any reference in these Rules to a Magistrate shall in respect of inward passes be understood as applying to such Pass Officers also.

5. Passes may be signed by such Officers of the Magistrate's Department as may be appointed to that duty, but such Officers shall in all things conform to the instructions of the Magistrate, with whom all responsibility rests.

6. No pass shall be issued until the prescribed fee shall have been paid therefor.

7. No pass shall include the name of more than one person, except that when any Native taking out a pass is accompanied by his wife or children under the apparent age of 14 years, a note made on the pass referring to and setting forth the name of the wife and number of children will be a sufficient authority for such wife and children to enter or leave the Colony under the pass.

8. A Magistrate shall have the discretion to refuse to grant an inward or outward pass for any reason appearing to him sufficient.

9. Every such refusal shall be at once reported to the Secretary for Native Affairs, who may give such directions thereon as he may think fit. This instruction shall not, however, apply to any case in which the applicant has not complied with the requirements of these Rules, or in which the Rules prohibit the issue of a pass.

10. If a Pass Officer shall refuse a pass, except in the circumstances last mentioned, he shall report such refusal to the Magistrate, who shall have the discretion either to direct the Pass Officer to issue the pass or to forward the report to the Secretary for Native Affairs.

11. The Secretary for Native Affairs shall have full authority and discretion in any case to order that a pass shall be granted or refused, notwithstanding any prohibition or other provision contained in these Rules.

12. No Native coming within the following list of exemptions shall be required to take out a pass to enter or leave the Colony:—

(*a*) Native Police or Messengers while on the service of this Government.

(*b*) Any Native driver or leader in the employ of a European master, whilst actually engaged as such, and producing a pass signed by his employer.

(*c*) Native owners of wagons accompanying their wagons and the drivers and leaders whilst actually engaged as such.

(*d*) Children apparently under the age of 14 years accompanying their parents. (See Rule No. 7.)

(*e*) Any Native requiring to cross the strip of territory of the Cape Colony intervening between the Division of Ixopo and the Division of Alfred, or the Vryheid District of the South African Republic, in passing from one part of Natal to another.

(*f*) Any Native employed by a European to drive stock across the border into Natal, and having a pass signed by his employer giving full particulars regarding the stock and their destination.

(*g*) Natives living in Natal or in a neighbouring State adjacent to the inland borders of this Colony requiring to cross and recross the border on a short visit for the purposes of trade, &c.; Provided that this exemption shall not apply to a visit exceeding two days in duration. And provided also that such Natives may be required to satisfy any Pass Officer appointed under these Rules that they are entitled to claim such exemption.

These exemptions, in so far as they may apply to Natives driving stock, shall not be understood to dispense with the requirements of the Scab Law, or the Cattle Stealing Act, or any other laws relating to cattle.

13. The Magistrate may give a pass to any Native who shall produce a memorandum duly signed by a European landowner or European occupier of a farm, provided he is satisfied that such memorandum has been properly given, stating that the bearer is sent on a message to some stated place beyond the border, and is to return within a stated time after its date, not exceeding one month.

14. Any person who shall give a Native a memorandum or pass containing any false statement, or who shall do anything to defeat the object of these Rules, shall be deemed to be guilty of a contravention thereof.

15. Every Magistrate shall, on or before the seventh day of each month, forward to the Secretary for Native Affairs a return in the form of Schedule C, showing the total number of passes issued in his Division during the preceding month.

16. Any Native who shall have lost his pass shall be required to obtain a duplicate thereof from the Magistrate or Pass Officer by whom the original was issue, and shall pay the prescribed fee therefor.

Part II.

(Outward Passes.)

17. A pass to leave the Colony shall be in the form of Schedule A, and shall be called an outward pass.

18. An outward pass shall be a sufficient authority to the Native named therein to return to the Colony once only at any time within one year from the date of its issue without being required to obtain an inward pass, and every Native entering the Colony upon the authority of an outward pass shall report himself to the nearest Magistrate or Pass Officer, and submit his pass for endorsement or cancellation.

19. Every Native of Natal seeking to leave the Colony, and requiring a pass for that purpose, shall make personal application therefor to the Magistrate of the Division in which his kraal or home is situate.

20. Every applicant for an outward pass shall be required to state his place of residence. A Magistrate may, *should he consider it necessary*, require an applicant for an outward pass to verify his statement in regard to his place of residence in the following manner:—

If the applicant claims to be a resident on *private lands*, or of which the owner or his agent is resident in the Division, by the written or verbal testimony of such owner or his agent.

If the applicant claims to be a resident on a *Location* or on a *Mission Reserve* or on *Crown Land* or on *Private Land of which the owner or his agent is not a resident in the Division*, by the personal testimony of some responsible member of his tribe, approved by the Magistrate, whose fee, if any, shall be paid by the applicant.

21. The Magistrate shall enquire of every applicant for an outward pass whether he is under a contract or service or under any obligation to serve, and any applicant making a false statement in reply shall be deemed guilty of a contravention of these Rules.

22. No pass shall be granted to a Native who is known by the Magistrate to be under a contract of service, or under any obligation to serve except with the consent, in writing, of the employer.

23. No pass shall be granted to any Native who, on being thereto required, shall fail to satisfy the Magistrate that there is no objection, by reason of his being in service or otherwise, to his leaving the Colony.

24. No pass shall, save as aforesaid, be granted to any "umfana" or "boy" except when accompanied by his father or guardian.

25. No pass shall be granted to any married Native female unless with the consent of her husband.

26. No pass shall be granted to any unmarried Native female unless with the consent of her father or guardian, expressed to the satisfaction of the Magistrate.

27. No pass to leave the Colony by sea shall be granted, except upon the written consent of the Secretary for Native Affairs, obtained through the Magistrate. If the Magistrate shall have reason to believe that any pass to leave the Colony is applied for with the object of taking or enabling a Native to go to any Country beyond the sea, he shall require the written authority of the Secretary for Native Affairs before granting the Pass.

28. The Secretary for Native Affairs shall have full discretion to refuse his consent to the issue of any such pass, or may give his consent upon any conditions which he may consider necessary to secure the proper treatment and return of the Natives to the Colony, or upon any other conditions which he may think proper.

29. Should any Native wish to leave the Colony permanently he must make application to the Magistrate of the Division in which he resides, through the Chief of his tribe. The application shall be in the form of Schedule D, and shall be forwarded by the Magistrate, with his comment thereon, to the Secretary for Native Affairs for his decision.

Part III.

(Inward Passes.)

30. A pass to enter the Colony shall be in the form of Schedule B, and shall be called an inward pass.

31. Every Native seeking to enter the Colony, and not being provided with an outward pass still available for return to the Colony, shall forthwith proceed to the Office of the nearest Magistrate or Pass Officer in order to obtain an inward pass, and shall not proceed further until he shall have received the same.

32. An inward pass shall be a sufficient authority to the Native named therein to leave the Colony by an inland border once only during the period of a year from the date of its issue without being required to obtain an outward pass. The provisions of this rule shall not extend to Natives of this Colony.

33. A pass to enter the Colony by sea shall be obtained in the same way as a pass to enter by an inland border.

34. Every Native domiciled elsewhere than in Natal and seeking permission to reside permanently in the Colony, shall first provide himself with a pass authorising his temporary

sojourn in the Colony for the purpose, and shall thereafter without delay make his application to the Magistrate of the Division in which he wishes to reside.

The Magistrate shall forthwith record the application in the form of Schedule E, and shall forward the same to the Secretary for Native Affairs for his decision.

Every application made under this Rule must be supported by a written permission to remove from the authorities of the Colony or State in which the applicant resides.

35. The acquisition of landed property within the Colony shall not supersede the necessity for permission to reside therein required under the foregoing Rule.

36. Every Native of a neighbouring Colony, State, or Territory found in the Colony without a pass as provided for in these Rules, or who shall remain in the Colony after the expiry of his pass, shall be guilty of a contravention of these Rules.

Provided that any Native who may have lost his pass shall be given reasonable time to avail himself of the provisions of Rule 16.

37. An inward pass may be renewed upon application by the person named therein to the Magistrate of the Division in which he shall be residing at the time his pass expires.

Part IV.

Penalties.

38. Any person contravening these Rules will be liable as provided in Law No. 48, 1884, to a fine not exceeding Ten Pounds Sterling, or in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three months, or to both such fine and imprisonment.

SCHEDULE A.

Outward Pass.

No.....Law 48, 1884.
.... Office,
.....1...
Name .....
.....
Residence .....
.....
Chief .....
Where going .....
For what purpose.....
* .....
.....
.....

Magistrate.

* Insert names of wife and children under the age of fourteen years if accompanying the applicant.

No.....Pass Law No. 48, 1884.
.....Office,
..... 1...
Name .....
.....
Residence .....
.....
Chief .....
Where going .....
For what purpose .....
*.....
.....
.....

This pass is available for return at any time during one year from its date.

Magistrate.

* Insert names of wife and children under the age of fourteen years if accompanying the applicant.

* Note.—The duration of this pass must be carefully explained to the Native.

SCHEDULE B.

Inward Pass.

No.....Law 48, 1884.
....Office,
.....1...
Name .....
.....
Chief .....
Where from .....
Destination .....
For what purpose .....
* .....
.....
.....

Magistrate.

* Insert names of wife and children under the age of fourteen years if accompanying the applicant

No..... .....Pass Law No. 48, 1884.
.....Office,
.....1...
Name .....
.....
Chief .....
Where from .....
Destination.....
For what purpose .....
* .....
.....
.....

This pass is available for return at any time during one year from its date.

Magistrate.

* Insert names of wife and children under the age of fourteen years if accompanying the applicant.

* Note.—The duration of this pass must be carefully explained to the Native.

SCHEDULE C.

Return to be furnished by the Magistrate to the Secretary for Native Affairs on or before the Seventh day of each Month. Division, Month.

Where from.	Inward Passes. SCHEDULE B.				Where to.	Outward Passes. SCHEDULE A.		
	Natives of Neighbouring States entering the Colony.			Natal Natives returning.		Natives of Natal leaving the Colony.		Other Outward Passes.
	For Labour.	Passing through.	For other purposes.			For Labour.	For other purposes.	
Cape Colony					Cape Colony			
Orange Free State and Basutoland					Orange Free State and Basutoland			
Transvaal					Transvaal			
Other States					Other States			

SCHEDULE D.

Applications from Natives for permission to remove from the Colony for the month of 1 . Division of

Date of Application.	Name of Applicant.	His Chief.	Number of Huts.	Sexes.			Chief under whom he wishes to live.	State to which he wishes to go.	Stock.	Whether the approval of the Authorities of the State into which he wishes to remove has been obtained.	Remarks.
				Adult Males.	Adult Females.	Children.					

SCHEDULE E.

Applications from Natives for permission to reside permanently in the Colony. Division of

Date of Application.	Name.	Chief.	Present Residence.	No. of Huts.	Sexes.			Stock.	Chief under whom and on what land he wishes to reside.	Whether the approval of the Authorities of the State in which he resides has been obtained.	Remarks.
					Adult Males.	Adult Females.	Children.				

(H.)

GOVERNMENT NOTICE No. 431, 1899.

The following amendments to the Rules regarding the issue of Passes to Natives entering and leaving the Colony, published under Government Notice No. 363, 1899, have been made by the Governor in Council, in terms of Sections 1 and 2 of Law 48, 1884, and are published for general information.

C. BIRD,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
August 21, 1899.

AMENDING RULE No. 12.

No Native coming within the following list of exemptions shall be required to take out a pass to enter or leave the Colony:—

(*a*) Native Police or Messengers whilst on the service of this Government.

(*b*) Any Native Driver or Leader in the employ of a European Master, whilst actually engaged as such, and producing a pass signed by his employer.

(*c*) Native owners of wagons accompanying their wagons, and their drivers and leaders whilst actually engaged as such.

(*d*) Children apparently under the age of 14 years accompanying their parents. (See Rule No. 7.)

(*e*) Any Native requiring to cross the strip of territory of the Cape Colony intervening between the Division of Ixopo and the Division of Alfred, or the Vryheid District of the south African Republic, in passing from one part of Natal to another.

(*f*) Any Native employed by a European to drive stock across the border, and having a pass signed by his employer giving full particulars regarding the stock and their destination.

(*g*) Natives living in Natal, or in a neighbouring State adjacent to the inland borders of this Colony, requiring to cross and re-cross the border on a short visit for the purposes of trade, &c.: Provided that this exemption shall not apply to a visit exceeding two days in duration.

(*h*) Any Native who shall produce a memorandum, duly dated and signed by a European landowner or occupier, stating that the bearer is sent on a message to some stated place beyond the border, and is to return within a stated time after its date, not exceeding one month.

(*i*) Any Native in the employ of, and accompanying a European master or mistress: Provided that this exemption shall in no case extend to more than three Natives, nor to any Native about to leave the Colony by sea.

These exemptions, in so far as they may apply to Natives driving stock, shall not be understood to dispense with the requirements of the Scab Law, or the Cattle Stealing Act, or any other laws relating to cattle.

AMENDED RULE No. 13.

Any Native who shall claim to be exempted from taking out a pass by virtue of the provisions of the foregoing rule, may be required to satisfy any Magistrate, Pass Officer, or Police Officer that he is entitled to such exemption.

No. 5.

CANADA.

EXTRACT from a Report of the Committee of the Honourable the Privy Council, approved by the Governor-General on the 21st May, 1904.

The Committee of the Privy Council have had under consideration a cable message from the Right Honourable the Secretary of State for the Colonies, dated 4th May, 1904, asking to be supplied, for presentation to Parliament, with copies of Acts and Regulations in force affecting admission of immigrants.

The Minister of the Interior, to whom the said despatch was referred, submits herewith a copy of the Immigration Act, Chapter 65, Revised Statutes of Canada; copies of two amending Acts, Chapter 34, 50-51 Victoria, and Chapter 14, 2 Edward VII.; and a copy of the instructions for the medical inspection of immigrants.

The Minister states that Regulations are also in force prohibiting the landing of pauper or destitute immigrants in any part of Canada until such sums of money as are found necessary be provided and paid into the hands of the Canadian Immigration Agent having jurisdiction at the port of landing by the master of the vessel carrying such immigrants for their temporary support and transportation to place of destination, and also for prohibiting the landing in Canada of criminal or vicious immigrants from any European or Asiatic port.

The Committee advise that the Governor-General be moved to forward a copy hereof together with copies of the Acts above referred to, and of the Instructions for Medical Inspection, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for approval.

JOHN J. McGEE,
Clerk of the Privy Council.

(A.)

CHAPTER 65.

An Act respecting Immigration and Immigrants. A.D. 1886.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as "The Immigration Act." 32-33 V., c. 10, s. 33;—35 V., c. 28, s. 17. Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Interpretation.

(*a*) The expression "immigration agent" includes any sub-agent in Europe or in Canada; "Immigration agent."

(*b*) The expression "ship" includes every description of vessel used in navigation, not propelled by oars; "Ship."

(*c*) The expression "vessel" includes all ships, vessels or craft of any kind carrying passengers; "Vessel."

(*d*) The expression "master" means any person in command of a vessel; "Master."

(*e*) The expression "passengers" applies to all passengers as well as to immigrants usually and commonly known and understood as such, but not to troops or military pensioners and their families, who are carried in transports or at the expense of the Government of the United Kingdom: "Passengers."

2. Every person recognized by the Minister of Agriculture as a Dominion immigration agent or sub-agent or Provincial immigration agent shall, with reference to any act done or to be done under this Act, and without formal appointment, be deemed to be a Dominion immigration agent or sub-agent or Provincial immigration agent. 32-33 V., c. 10, s. 31;—35 V., c. 28, s. 16;—38 V., c. 15, s. 1. Who shall be deemed immigration agents.

IMMIGRATION OFFICES.

3. Immigration offices shall be maintained at London, in England, and elsewhere in the United Kingdom, as to the Governor in Council, from time to time, seems proper, and also at Quebec, Montreal, Kingston, Toronto, Hamilton, Ottawa, Halifax, Saint John, N.B., and elsewhere in Canada, as to the Governor in Council, from time to time seems proper; and an immigration agency or as many immigration agencies as to the Governor in Council, from time to time, seems proper, shall be maintained on the Continent of Europe; and quarantine stations shall be maintained at Halifax, St. John, N.B., and Grosse Isle: Where immigration offices shall be maintained. Quarantine stations.

2. Canadian immigration agents shall use, as directed, any moneys granted to them by any local government for the purpose of procuring either food, clothing, transport or other help for immigrants intending to settle within the Province which furnished such moneys. 32-33 V., c. 10, s. 1.

Immigrants—Duty Payable on them.

Duty payable by master of vessel when proper sanitary measures are not taken.

4. Whenever a vessel carrying emigrants, not cleared under the sanction of the Imperial Commissioners of Emigration, arrives at her port of destination in Canada, not carrying a surgeon, and on board of which proper measures for the preservation of the health of the passengers and crew during the voyage have not been observed, the medical officer shall report the fact to the collector of customs, and a duty of two dollars, for each passenger or immigrant above the age of one year, shall be paid by the master of the vessel to the collector of customs at the port, and the vessel shall not be admitted to entry until such duty is paid.

How such duty shall be paid.

2. The said duty shall be paid by the master of such vessel, or by some person on his behalf, to the collector of customs at the port in Canada at which such vessel is first entered, and at the time of making such first entry, which shall contain on the face of it the number of passengers actually embarked on board the vessel; and no such entry shall be deemed validly made or have any legal effect whatsoever, unless such rates or duties are so paid; no child under the age of one year shall be reckoned among the number of passengers:

Commissariat drafts to be accepted in payment of duty.

3. Any draft, order or other document made or signed by any person in the United Kingdom aforesaid, duly empowered to that effect by Her Majesty's Government, and directed to Her Majesty's Commissary General or other commissariat officer in Canada, and authorizing the payment to the collector of customs aforesaid, of the duty which would otherwise be payable by the master of any vessel for any number of immigrants on board such vessel, shall be accepted by the collecter as payment of the duty payable on such immigrants; and the sum mentioned in such order shall thereafter be received by such collector and paid ever and applied in the same manner as other money raised under the authority of this Act:

As to passengers not landed in Canada.

4. Nothing in this section shall be construed to authorize the raising, levying or collecting, or to require the payment of any rate or duty in respect of any passenger or immigrant on board of any vessel entered at any port in the Dominion, other than such as are to be landed in Canada. 32-33 V., c. 10, s. 2;—35 V., c. 28, s. 1., *part*.

Additional duty to that imposed by section 4.

Amount of duty.

5. There shall be raised, levied and collected a duty payable, in the manner hereinafter prescribed, by the master of every ship arriving at any port in Canada from any port in Europe with passengers or emigrants therefrom, at any time when this and the next following section of this Act are in force as hereinafter provided, in addition to any duty payable by the master of such ship under the provisions of the next preceding section of this Act; and such duty shall be such sum, not exceeding two dollars for every passenger or immigrant above the age of one year landed in Canada, as is specified in the proclamation giving effect to this and the next following section of this Act, in force for the time being in the Province in which such port is situate. 38 V., c. 15, s. 2.

How such duty shall be paid.

6. The said duty shall be paid by the master of the ship or by some person on his behalf, to the collector of customs at the port in Canada at which such vessel is first entered, and at the time of making such first entry, which shall contain on the face of it the number of passengers actually embarked on board the ship, and the number to be landed in Canada; and no such entry, made at any such time, shall be deemed validly made or have any legal effect whatsoever, unless such numbers are correctly stated and such duty has been fully paid. 38 V., c. 15, s. 3.

When two next preceding sections shall take effect.

Proclamation from time to time.

7. The two sections next preceding shall take effect upon, from and after the day, and in the Province or Provinces, and for the amount of duty (within the limit aforesaid) specified by proclamation in that behalf issued under an Order of the Governor in Council, and not before; and the Governor-General may, from time to time, by proclamation issued under an Order in Council, suspend the operation of the said sections, and may, in like manner, from time to time, declare them to be again in force in any one or more, or in all the Provinces forming the Dominion of Canada; and from and after the period specified in the proclamation the operation of the said sections shall be suspended, or they shall be revived and again have effect, as the case may be, in the Province or Provinces specified in the proclamation; and every such proclamation shall be published in the "Canada Gazette. 38 V., c. 15, s. 4.

Enforcement of Contracts.

Recovery of money on bonds given by immigrants.

And enforcement of undertaking to work.

Penalty for violation.

8. If any contract is made or any bond or note given by an emigrant before leaving Europe for Canada, to repay in Canada any sum of money advanced to him for or towards defraying his passage money, or towards defraying any other expense attending his emigration, such sum shall be recoverable from the immigrant in Canada, according to the terms of such instrument, by suit in any court of competent jurisdiction in Canada; and every emigrant who, in consideration of money advanced as aforesaid, engages and binds himself to enter the service of any employer in Canada on his arrival there, in any capacity, and to work for and serve such employer in such capacity during any certain time, not exceeding six months, and at any named rate of wages, and afterwards refuses or neglects on his arrival in Canada to perform such engagement, shall be liable, on summary conviction, to a penalty not exceeding twenty dollars and costs, and to imprisonment until such penalty and costs are paid. 35 V., c. 28, s. 4.

Immigrants—Proportion of Passengers to size of vessel.

Definition of "adult."

9. For the purposes of this section, each person of or above the age of fourteen years shall be deemed an adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one adult:

2. If any vessel from any port or place on the Continent of Europe, or from any other port or place out of Her Majesty's Dominions, comes within the limits of Canada, having on board or having had on board, at any time during her voyage, any greater number of passengers than one adult passenger for every twelve clear superficial feet on the lower or platform deck of such vessel, appropriated to the use of such passengers and unoccupied by stores or other goods not being the personal luggage of such passengers, or having on board or having had on board at any time during her voyage a greater number of persons (including the master and crew and the cabin passengers, if any), than in the proportion of one person for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships, the master of such vessel shall incur a penalty not exceeding twenty dollars and not less than eight dollars for each passenger or person constituting such excess. 32-33 V., c. 10, s. 3.

Proportion passengers to area of lower deck.

And to tonnage.

Penalty for violation.

IMMIGRANTS—OBLIGATIONS OF MASTERS OF VESSELS BRINGING THEM.

10. No master of any vessel arriving at any port in Canada shall permit any passenger to leave the vessel until he has delivered, to the collector of customs at such port, a certified and correct report in the form of the schedule to this Act, and a certified copy or duplicate of such report to the Dominion immigration agent at the port of landing, nor until such report has been certified to be correct and a certificate of such correctness and a permission to allow his passengers to leave the vessel, and a receipt for the duties payable by him under the provisions of this Act, have been given to him by the collector of customs; and every master of a vessel who violates the provisions of this section, shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every passenger leaving the same, contrary to the provisions of this Act. 32-33 V., c. 10, s. 5, *part*;—35 V., c. 28, s. 14.

Reports of passengers to be delivered by the master before passengers leave the vessel.

Penalty for violation.

11. The master of any vessel sailing from a port in Her Majesty' Dominions, who embarks passengers after the vessel has been cleared and examined by the proper officer at the port of departure and who does not deliver reports of such additional passengers to some officer to whom by law the same ought to be delivered shall, for every passenger not included in the list of passengers delivered to the collector of customs at the port of departure, or at the port where such additional passenger was embarked, or at the port at which such vessel touched after the embarkation of such passenger, pay to the collector of customs at the port in Canada at which the said vessel is first entered, the sum of eight dollars for each passenger so embarked as aforesaid and not included in one of the said lists, in addition to the duty payable as aforesaid, and at the same time and under the same penalties. 32-33 V., c. 10, s. 4.

Penalty for carrying passengers not entered on list.

12. Nothing in this Act shall prevent the master of any vessel from permitting any passenger to leave the vessel at the request of such passenger before the arrival of the vessel at her final port of destination; but in every such case, the name of the passenger so leaving shall be entered in the manifest on the list of immigrants made out at the time of the clearing of the vessel from the United Kingdom or other part of Europe as aforesaid, and shall be certified under the signature of the passenger so leaving the vessel; and if the number of passengers remaining on board on the arrival of the vessel at her final port of destination does not correspond with that mentioned in such manifest, after deducting the number who have so left the vessel, the master thereof shall incur a penalty of twenty dollars for each passenger not found on board or entered on the manifest as having left the vessel as aforesaid. 32-33 V., c .10, s. 6.

Passenger may leave the vessel before arrival at port of destination.

Proceedings such case.

Penalty for violation.

13. Every pilot who has had charge of any vessel having passengers on board, and knows that any passenger has been permitted to leave the vessel contrary to the provisions of this Act, and who does not within twenty-four hours after the arrival of such vessel in the harbour to which he engaged to pilot her, inform the collector of customs thereat, that a passenger or passengers has or have been so permitted to leave the vessel, shall incur a penalty not exceeding five dollars for every passenger with regard to whom he has wilfully neglected to give such information. 32-33 V., c. 10, s. 7.

Pilot to report contravention of Act.

Penalty for neglect.

REPORT BY THE MASTER.

14. The master of every passenger vessel shall, within twenty-four hours after such vessel arrives at her final port of destination, and before any entry of such vessel is allowed, deliver to the collector of customs at the port at which such vessel is to be entered, a correct report, in the form of the schedule to this Act, of all the passengers on board such vessel at the time of her departure from the port or place whence she cleared or sailed for Canada, and a true statement of the other particulars mentioned in the said form; and such master shall incur a penalty of twenty dollars for each day during which he neglects so to deliver such list, after the expiration of the said twenty-four hours, and of eight dollars for each passenger whose name is omitted in such report. 32-33 V., c. 10, s. 8.

Report to be delivered by master within twenty-four hours.

Penalty in default.

15. In addition to the particulars hereinbefore required in the report to be delivered on each voyage by the master of any vessel carrying passengers and arriving at any port in Canada to the collector of customs at such port, the master shall report in writing to the collector the name and age of all passengers embarked on board of such vessel on such voyage, who are lunatic, idiotic, deaf and dumb, blind or infirm, stating also whether they are accompanied by relatives able to support them or not:

Certain particulars to be entered in report.

2. If any master of any such vessel omits to report the particulars herein specified, or makes any false report in any such particulars, he shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars, for every such passenger in regard to whom any such omission has occurred or any such false report is made,—for which penalty the owner or owners of the vessel shall also be liable jointly and severally. 32-33 V., c. 10, s. 9.

Penalty for contravention.

Entry as to passengers who have died.

16. The said report shall further contain the name, age and last place of residence of any person who has died during the passage of the vessel, and shall specify whether such passenger was accompanied by relatives or other persons, and the names of such relatives or other persons, who were entitled to take charge of the moneys and effects left by such passenger; and if there were no such relatives or other persons entitled to take charge of the same, then the report shall fully designate the quantity and description of the property, whether money or otherwise, left by such passenger; and the said master shall pay over and fully account for the same to the collector of customs for the port at which the vessel is entered:

Disposal of property.

Collector of customs to give receipt.

2. The collector of customs shall thereupon grant to such master a receipt for all moneys or effects so placed in his hands by the master,—which receipt shall contain a full description of the nature or amount thereof; and if any master of a vessel neglect or refuses to make such report or to pay over and account for any such moneys or effects, as required by this section, he shall incur a penalty not exceeding one thousand dollars and not less than twenty dollars, for every such case of neglect or refusal. 32-33 V., c. 10, s. 10.

Penalty for neglect to make report.

Special Duty of Quarantine Officers.

Duty of medical superintendent.

17. The medical superintendent of every quarantine station shall examine into the condition of the passengers carried on any vessel forthwith after the anchoring at such station of such vessel, in compliance with the requirements of any Act, Order in Council or regulation respecting quarantine then in force; and for that purpose the said medical superintendent, or other competent person thereunto appointed, may go on board and through any such vessel and inspect the list of passengers, and the bill of health, manifest, log book or other papers of the vessel, and, if necessary, take extracts from the same:

Presence of lunatic, &c., to be reported.

2. If, on examination, there is found among such passengers any lunatic, idiotic, deaf and dumb, blind or infirm person, not belonging to any immigrant family, and such person is, in the opinion of the medical superintendent, likely to become permanently a public charge, the medical superintendent shall forthwith report the same officially to the collector of customs at the port at which the vessel is to be first entered, who shall (except in the cases in which it is hereinafter provided that such bond may be dispensed with) require the master of the vessel, in addition to the duty payable for the passengers generally, to execute, jointly and severally with two sufficient sureties, a bond to Her Majesty, in the sum of three hundred dollars for every such passenger so specially reported, conditioned to indemnify and save harmless the Government of Canada and of any Province in Canada and every municipality, municipal corporation, village, city, town, county and charitable institution within the same, from any expense or charge incurred within three years from the execution of the bond, for the maintenance and support of any such passenger:

Subsequent proceedings.

Bond to be given.

Nature of sureties.

3. Each of the said sureties shall justify before and to the satisfaction of the said collector, by oath or affirmation (which such collector may administer), that he is a resident of Canada and worth, in real and personal estate, double the amount of the penalty of such bond over and above the amount of his just debts and liabilities.

Master may pay a sum instead of giving security.

4. It shall be optional with the master of such vessel either to enter into such bond jointly and severally with sufficient sureties, as aforesaid, or to pay to the collector of customs, who might otherwise require such bond, such sum as has been fixed in that behalf by any instructions from the Government of Canada, as being just and reasonable and sufficient to indemnify Canada, and the Provinces and every municipality, municipal corporation, village, city, town, county, or charitable institution within Canada, against the risk of expense for the care, support and maintenance of such passenger or passengers during the then next ensuing three years:

When the bond may be dispensed with.

5. The collector of customs may dispense with such bond, or money in lieu thereof, if it appears by the certificate of the medical superintendent at the proper quarantine station (which certificate the said medical superintendent may give) that the passenger with respect to whom such bond or money is required has become lunatic, idiotic, deaf and dumb, blind or infirm, from some cause not existing or discernible at the time of the departure of the ship from the port where such passenger embarked. 32-33 V., c. 10, s. 11;—35 V., c. 28, s. 3.

Arrangement for sending back such person.

18. The proper immigration agent may, with the consent of the Minister of Agriculture, make arrangements with the master, owner or charterer of the vessel carrying the lunatic, idiotic, deaf and dumb, blind or infirm person with respect to whom a bond has been given, or money paid in lieu thereof, or with the master, owner or charterer of any other vessel, for the reconveyance of such person to the port from which he was carried to Canada:

Money paid in lieu of bond may be applied to such reconveyance.

2. Money paid in lieu of or on breach of the condition of a bond in any such case, or so much thereof as is necessary, may be applied to pay for such reconveyance of the person with respect to whom it has been paid; and when such person has been so reconveyed, the bond so given may be cancelled, or the money paid in lieu thereof (deducting the passage money if any) may be returned, on the receipt by the said immigration agent of a certificate, under the hand of the chief emigration agent or British consul at the port from which he was brought, of the safe arrival of the lunatic, idiotic, deaf and dumb, blind or infirm person at such port, or on proof satisfactory to such immigration agent of his having died during the voyage without any fault attaching to the owner, master or any of the crew of such vessel. 32-33 V., c. 10, s. 12.

Evidence of reconveyance.

Proceedings if such person becomes a charge.

19. If any passenger, in respect to whom any bond has been given as aforesaid, becomes at any time within three years from the execution thereof, chargeable upon Canada, or Province, upon any municipality, municipal corporation, village, city, town or county, or upon any charitable institution within Canada, the payment of such charge or expense, incurred for the

maintenance and support of such passenger, shall be provided for out of the moneys collected, in respect of such bond. 32-33 V., c. 10, s. 13.

Penalty for neglect or refusal to execute bond.

20. If the master of any vessel, on board which such passenger specially reported as aforesaid has been carried, neglects or refuses to execute the said bond, or to pay the sum which he may pay instead of giving such bond, forthwith after the said ship has been reported to the collector of customs, such master shall incur a penalty of four hundred dollars; and the said vessel shall not be cleared on her return voyage until the said bond has been executed or the said sum paid, or until the said penalty has been paid with all costs incurred on any prosecution for the recovery thereof. 32-33 V., c. 10, s. 14.

How such bond shall be disposed of.

21. After any such bond as aforesaid has been executed the collector of customs shall transmit the same to the Minister of Finance and Receiver-General, to be by him kept and held, during the said period of three years from the execution of the said bond, or until the payment of the penalty therein mentioned, if incurred, has been enforced:

Necessity for enforcing bond, how ascertained.

2. For the purpose of ascertaining the necessity of such enforcement, each immigration agent, upon representation made to him, shall, in that portion of Canada in respect of which he performs his duties, ascertain the right and claim to indemnity, for the maintenance and support of any such specially reported passenger, and shall report the same to the Governor-General, through the Minister of Agriculture; and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated:

Penalty to be sued for.

3. The said penalty, or so much thereof as is sufficient, from time to time, to defray the expense incurred for the maintenance and support of any passenger for whom the said bond was given as aforesaid, may be recovered by suit or information in Her Majesty's name, in any court in Canada having jurisdiction in civil cases to the amount for which such suit or information is brought. 32-33 V., c. 10, s. 15.

Medical superintendent may make regulations.

Publication.

22. The medical superintendent at Grosse Isle may, from time to time, with the consent and approval of the Minister of Agriculture, make such regulations as he deems necessary for enforcing order and insuring the health and comfort of immigrants there; and such regulations, when published in the "Canada Gazette," shall be in force; and any violation thereof shall be deemed a violation of this Act, and shall be punishable by such penalty not exceeding forty dollars as is assigned by such regulations in each case. 35 V., c. 28, s. 9.

Pauper Immigrants, &c.

Landing of pauper immigrants may be prohibited.

23. The Governor-General may, by proclamation, whenever he deems it necessary, prohibit the landing of pauper or destitute immigrants in all ports or any port in Canada, until such sums of money as are found necessary are provided and paid into the hands of one of the Canadian immigration agents, by the master of the vessel carrying such immigrants, for their temporary support and transport to their place of destination; and during such time as any such pauper immigrants would, in consequence of such orders, have to remain on board such vessel, the Governor in Council may provide for proper anchorage grounds being assigned to such vessel, and for such vessel being visited and superintended by the medical superintendent or any inspecting physician of the port or quarantine station, and for the necessary measures being taken to prevent the rise or spread of diseases amongst the passengers in such vessel and amongst people on shore. 32-33 V., c. 10, s. 16.

Landing of vicious immigrants may be prohibited.

24. The Governor-General may, by proclamation, whenever he deems it necessary, prohibit the landing in Canada of any criminal, or other vicious class of immigrants designated in such proclamation, except upon such conditions for insuring their re-transportation to the port in Europe whence they came with the least possible delay, as the Governor in Council prescribes; and such conditions may, if the Governor in Council deems it necessary, include the immediate return, or the return with the least possible delay, of the vessel and such immigrants to the said port,—such prohibited immigrants remaining on board until such return of the vessel. 35 V., c. 28, s. 10.

Provisions for the Protection of Passengers.

Passengers are entitled to remain on board 48 hours after arrival.

Penalty for contravention.

Berths not to be removed.

25. Every passenger on board any vessel arriving in the port or harbour to which the master, owner or charterer of such vessel engaged to convey him, shall be entitled to remain and keep his luggage on board such vessel during forty-eight hours after her arrival in such port or harbour: and every such master who compels any passenger to leave his vessel before the expiration of the said term of forty-eight hours shall incur a penalty not exceeding twenty dollars for every passenger he so compels to leave his vessel; and the master of the vessel shall not, before the expiration of the said forty-eight hours, remove any berths or accommodation used by his passengers, under a like penalty, except with the written permission of the medical superintendent at the proper quarantine station. 32-33 V., c. 10, s. 17.

Passengers and luggage to be landed free of expense.

26. The master of any vessel having passengers on board, shall land his passengers and their luggage, free of expense to the said passengers, at the usual public landing places at the port of arrival, according to orders which he receives from the authorities of the said port, and at reasonable hours not earlier than six of the clock in the forenoon, and not later than six of the clock in the afternoon; and the vessel shall, for the purpose of landing passengers and luggage, be anchored in such convenient and safe place, or moored at such wharf as is appointed for that purpose by the authorities of the port. 32-33 V., c. 10, s. 18;—35 V., c. 28, s. 2, *part.*

Governor may appoint landing places.

27. The Governor-General may, by proclamation, from time to time, appoint the place at which all passengers arriving at any port in Canada, other than such as are specially excepted in such proclamation, shall be landed,—and may, in and by such proclamation, make such

regulations as he thinks proper, for the government of the place so appointed, and for the protection of the immigrants landed thereat; and such proclamation, when published at least twice in the "Canada Gazette," with an interval of at least six days between each publication, shall have the force of law, and shall be in force until suspended by a later proclamation for the like purpose, published as aforesaid; and at the place so appointed the Governor in Council may cause proper shelter and accommodation to be provided for immigrants until they can be forwarded to their place of destination; and any violation of any such proclamation as aforesaid, or of any regulation therein contained, shall be deemed a violation of this Act:

Provision as to the landing of passengers.

2. The master of every vessel arriving at any port in Canada, and having on board the same any passengers to whom any such proclamation as aforesaid then in force applies, shall land such passengers and their luggage free of expense at the place so appointed, and at reasonable hours, not earlier than six in the forenoon nor later than six in the afternoon, and the vessel shall, for the purpose of landing such passengers and their luggage, either be moored at the wharf at the place appointed for such landing, or anchored in the port; and the masters of such vessels, so anchored, shall duly land, within the hours aforesaid, by steam tug or other proper tender, their passengers at such wharf as aforesaid and not elsewhere:

Penalty for contravention.

3. Every one who violates any of the provisions of this section or of the next preceding section, shall incur a penalty of forty dollars for each offence. 32-33 V., c. 10, s. 19;—35 V., c. 28, s. 2, *part*.

Penalty for breach of law or contract with respect to foreign immigrants.

28. If, during the voyage of any vessel carrying passengers from any port not within the United Kingdom to any port in Canada, the master or any one of the crew of such vessel is guilty of any violation of any of the laws in force in the country in which such foreign port is situate, regarding the duties of such master or crew towards the passengers in such vessel,—or if the master of any such vessel during such voyage commits any breach whatsoever of the contract for the passage made with any passenger by such master, or by the owner or charterer of such vessel,—such master or such one of the crew shall, for every such violation or breach of contract, be liable to a penalty not exceeding one hundred dollars and not less than twenty dollars, independently of any remedy which the passenger complaining otherwise has by law. 32-33 V., c. 10, s. 20.

Proof in such case.

29. Proof under this Act of the law of a foreign country may be made by the testimony of any consul for the country from which the vessel sailed; and the proof of the contract for his passage made by any such passenger in any such vessel sailing from any European port not within the United Kingdom, may be made in all cases by the evidence of either of the parties to such contract. 32-33 V., c. 10, s. 21.

Immigrants not to be solicited except by licensed persons.

30. No person shall, at any port or place within Canada, for hire, reward or gain, or the expectation thereof, conduct, solicit or recommend, either orally, or by handbill or placard, or in any other manner, any immigrant, to or on behalf of any steamboat owner or charterer, or to or on behalf of any railway company, or to or on behalf of any lodging-house keeper or tavern keeper, or any other person, for any purpose connected with the preparations or arrangements of such immigrant for his passage to his final place of destination in Canada or in the United States of America or the territories of either of them; or give or pretend to give to such immigrant any information, oral, printed or otherwise, or assist him to his said place of destination, or in any way exercise the vocation of booking passengers or taking money for their inland fare or for the transportation of their luggage, unless such person has first obtained a license from the mayor of the city or town or chief officer of the municipality in Canada within which such person resides, authorizing him to act in such capacity; and any person so acting without having first obtained such license, shall incur a penalty of not less than fifty dollars:

Penalty for contravention.

License, how obtained, duration and cost.

2. Such mayor or chief officer may grant such license on such person producing a recommendation from the immigration agent nearest to the place where the license is granted, to the effect that he is a proper person to receive such license, and on his giving a satisfactory bond to the mayor or chief officer, with two sufficient sureties in the penal sum of three hundred dollars, as security for his good behaviour; and such license shall not be for any period longer than one year from its date; and such person shall pay for such license to the proper officer of such city, town or municipality such sum, not exceeding one hundred dollars, as the council of such city, town or municipality determines. 32-33 V., c. 10, s. 22.

Runners not to board vessels before passengers are landed.

31. No licensed immigrant runner or agent or person acting on behalf of any steamboat company, railway company, forwarding company, or hotel or boarding-house keeper or his agent, shall go on board any vessel bringing immigrants into any port, or book or solicit any immigrant passenger by such vessel, before the immigrant passengers are landed from such vessel, unless he is authorized by the immigration agent so to do; and every one who violates any of the provisions of this section, shall incur a penalty of twenty-five dollars. 35 V., c. 28, s. 5, *part*.

Agent to visit vessel before entry.

32. No such vessel shall be admitted to entry until the immigration agent at the port has visited her, and has notified the collector of customs that he has done so: and any such vessel arriving in port, shall hoist such signal as is determined on by the immigration agent at the port, who shall communicate it, through the superintendent or other proper officer, to the pilots for the port; and the pilot of the vessel shall see that such signal is hoisted and kept up during daylight, until the immigration agent has visited the vessel. 35 V., c. 28, s. 5, *part*.

Signal to be hoisted.

Selling tickets to immigrants at an advance, &c.

33. Every person licensed under section thirty of this Act, and every person in his employ, who sells to any immigrant a ticket or order for the passage of such immigrant, or the conveyance of his luggage, at a higher rate than that for which it could be purchased directly from the company undertaking such conveyance,—and every person who purchases any such ticket from

an immigrant for less than its value, or gives him in exchange for it one of less value, shall incur a penalty of twenty dollars for each such offence. 35 V., c. 28, s. 7. Penalty.

Lists of prices to be displayed.

34. Every keeper of a tavern, hotel or boarding-house in a city, or in any town, village or place to which the Governor-General, by proclamation published in the "Canada Gazette," declares that this section shall extend, who receives into his house, as a boarder or lodger, any immigrant within three months from his arrival in Canada, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon business cards, a list of the prices which will be charged to immigrants per day and week for board or lodging, or both, and also the prices for separate meals, which card shall also contain the name of the keeper of such house together with the name of the street in which it is situated, and its number in such street:

Penalty for contravention.

2. Every keeper of such tavern, hotel or boarding-house, who neglects or refuses to post a list of prices, or to keep business cards, or who charges or receives, or permits or suffers to be charged or received for boarding or lodging, or for meals in his house, any sum in excess of the prices so posted and printed on such business cards, or who omits immediately on any immigrant entering such house as a boarder or lodger for the purpose of taking any meal therein, to deliver to such immigrant one of such printed business cards, shall, upon conviction of any of the said offences, be deprived of his license and incur a penalty not exceeding twenty dollars and not less than five dollars:

No lien on immigrant's goods beyond five dollars.

3. No such boarding-house keeper, hotel keeper or tavern keeper shall have any lien on the effects of such immigrant for any amount claimed for such board or lodging, for any sum exceeding five dollars; and every such person who detains the effects of any immigrant after he has been tendered the said sum of five dollars or such less sum as is actually due for board or lodging, shall incur a penalty not exceeding twenty dollars and not less than five dollars, over and above the value of the effects so detained, if they are not immediately restored; and a search warrant may be issued for the same. 32-33 V., c. 10, s. 23.

Inquiry into complaints.

Compensation.

35. If any complaint is made to the Minister of Agriculture against any railway company, or other incorporated company, for any offence or violation of this Act or of the Acts of the United Kingdom known as "*The Passengers' Act*, 1855," and "*The Passengers' Act amendment Act*, 1863," or of any other law in any matter relating to immigrants or to immigration, the said Minister may cause such inquiry as he thinks proper to be made into the facts of the case, or may bring the matter before the Governor in Council to the end that such inquiry may be made under the "*Act respecting inquiries concerning Public Matters*"; and if upon such inquiry it appears to the satisfaction of the said Minister, or of the Governor in Council, as the case may be, that the company has been guilty of such violation, the Minister or the Governor in Council may call upon the company to make such compensation to the person aggrieved, or to do such other thing as is just and reasonable, or may adopt measures for causing such proceedings to be instituted against the company as the case requires. 35 V., c. 28, s. 6.

As to property of immigrant parents dying.

36. If both the immigrant parents, or the last surviving immigrant parent of any child, or children, brought with them in any vessel bound to Canada, dies on the voyage or at Grosse Isle, Lawlor's Island, Partridge Island, or elsewhere in Canada, while yet under the care of any immigration agent, the Minister of Agriculture, or such officer as he deputes for the purpose, may cause the effects of such parents or parent to be disposed of for the benefit of such child or children to the best advantage in his power, or, in his discretion, to be delivered over to any institution or person assuming the care and charge of such child or children. 35 V., c. 28, s. 8.

Provision against seduction of female immigrants.

Proviso.

37. Every master or other officer, seaman or other person employed on board of any vessel, while such vessel is in any waters within the jurisdiction of the Parliament of Canada, who, under promise of marriage, or by threats, or by the exercise of his authority, or by solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, is guilty of a misdemeanor, and shall be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding one year: Provided, that the subsequent intermarriage of the persons seducing and seduced, may be pleaded in bar of conviction. 35 V., c. 28, s. 11.

Prevention of intercourse between crew and female immigrants.

Penalty for contravention.

Penalty on master permitting such contravention.

Proviso.

38. No officer, seaman or other person on board of any vessel bringing immigrant passengers to Canada, shall, while such vessel is in such Canadian waters as aforesaid, entice or admit any female immigrant passenger into his apartment, or except by the direction or permission of the master of such vessel first made or given for such purpose, visit or frequent any part of such vessel assigned to female immigrant passengers; and every officer, seaman or other person employed on board of such vessel, who violates the provisions of this section shall incur a penalty equal in amount to his wages for the voyage during which the said offence has been committed:

2. Every master or commander who, while such vessel is in such waters as aforesaid, directs or permits any officer or seaman or other person on board of such vessel, to visit or frequent any part of such vessel assigned to immigrant passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman or person employed on board of such vessel, shall incur a penalty of twenty-five dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman or other person employed on board of such vessel: Provided always, that the provisions of this section shall not apply to cabin passengers, or to any part of the vessel assigned to their use. 35 V., c. 28, s. 12.

Notice of foregoing provisions to be posted up.

39. The master of every vessel bringing immigrant passengers to Canada shall, while the vessel is in such Canadian waters as aforesaid, post a written or printed notice in the English, French and German languages, containing the provisions of the next preceding section of this Act, in a conspicuous place on the forecastle and in the several parts of the said vessel assigned

Penalty for default.

to immigrant passengers, and keep the same so posted during the remainder of the voyage; and for every violation of this section, he shall incur a penalty not exceeding fifty dollars. 35 V., c. 28, s. 13.

Recovery of Duties and Penalties.

Duties and penalties to be a lien on the vessel.

40. Every duty or penalty imposed under the authority of this Act, shall be a special lien upon the vessel in respect whereof it has become payable and the master whereof has become liable in such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the justices or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations except mariners' wages. 32-33 V., c. 10, s. 24.

When prosecutions under section 34 may be brought.

41. Every prosecution for a penalty under section thirty-four of this Act, may be instituted at the place where the offender then is, before any justice of the peace having jurisdiction in such place, at the suit of any Dominion immigration agent in Canada; and the penalties recovered under the said section shall be paid into the hands of the Minister of Finance and Receiver-General, and form part of the Consolidated Revenue Fund of Canada:

Costs and imprisonment in case of non-payment, &c.

2. The justice of the peace may award costs against the offender as in ordinary cases of summary proceedings, and may also award imprisonment for a term not exceeding three months, to terminate on payment of any penalty incurred under the said section,—and may, in his discretion, award any part of the penalty, when recovered, to the person aggrieved by the violation of law complained of. 32-33 V., c. 10, s. 25.

Penalties under other sections, how recovered.

42. All penalties, other than those referred to in the next preceding section, imposed by this Act, or by any regulation made by the Governor in Council under the provisions of this Act, and not exceeding eighty dollars in amount, shall be sued for by a collector of customs, or by a Dominion immigration agent, and recovered with costs on the oath of one credible witness other than the prosecutor, in a summary manner, before any two justices of the peace,—and such justices may commit the offender to the common gaol until such penalty and costs are paid; and all such penalties exceeding the sum of eighty dollars may be recovered by civil action by any such officer as aforesaid, on like evidence, in any court of competent jurisdiction:

Application of penalties.

2. A moiety of every such penalty shall belong to Her Majesty, and shall be paid into the hands of the Minister of Finance and Receiver-General and form part of the Consolidated Revenue Fund of Canada; and the other moiety shall belong to the prosecutor:

When penalty exceeds forty dollars, offence a misdemeanor.

3. Every offence against the provisions of this Act or any regulation made under it, in respect of which the penalty exceeds the sum of forty dollars, is a misdemeanor and shall be punishable by fine or imprisonment, or both, in the discretion of the court before which the offender is convicted. 32-33 V., c. 10, s. 26.

Summons to be issued.

43. Upon complaint being made before any one justice of the peace, in any case over which two justices have jurisdiction as aforesaid, he shall issue a summons requiring the person complained against to appear on a day and at an hour and place named in such summons; and every such summons shall be served on the person complained against, or shall be left at his place of residence or business, or on board any vessel to which he belongs:

Proceedings upon appearance or default.

2. Either upon the appearance or default to appear of the person complained against, any two or more justices may proceed summarily, either with or without any written information; and upon proof of the offence or complaint, either by confession of the person complained against, or upon the oath of at least one credible witness other than the prosecutor, the justices may convict the offender, and, upon such conviction, order the offender or person complained against to pay the penalty imposed by this Act, or by any such regulation as aforesaid, according to the nature of the offence, and also to pay the costs attending the prosecution or complaint:

If moneys are not paid, the same may be levied by distress.

3. If forthwith upon such order the moneys thereby ordered to be paid, are not paid, the same may be levied, with the costs of the distress and sale, by distress and sale of the goods and chattels of the person ordered to pay such moneys,—the surplus, if any, to be returned to him upon demand; and such justices may issue their warrant accordingly, and may also order such person to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless such person gives security to the satisfaction of such justices for his appearance before them on the day appointed for such return,—such day not being more than three days from the time of taking such security:

Proceedings when there is no sufficient distress.

4. If it appears to such justices, by the admission of such person, or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid, they may, if they think fit, refrain from issuing a warrant of distress in the case, or if such warrant has been issued, and upon the return thereof such insufficiency as aforesaid is made to appear to the justices, then such justices shall, by warrant, cause the person ordered to pay such moneys and costs as aforesaid to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such moneys and costs ordered to be paid, and such costs of distress and sale as aforesaid, are sooner paid and satisfied; but such imprisonment of a master of any vessel shall not discharge the vessel from the lien or liability attached thereto by the provisions of this Act. 32-33 V., c. 10, s. 27.

Conviction or proceeding not to be questioned for want of form, &c.

44. No conviction or proceeding under the four sections next preceding shall be quashed for want of form, or be removed by appeal or *certiorari*, or otherwise, into any of Her Majesty's superior courts; and no warrant of commitment shall be held void by reason of any defect therein, provided it is thereby alleged that the person has been convicted, and there is a good and valid conviction to sustain the same. 32-33 V., c. 10, s. 28.

Moneys Levied and Expended.

45. All expenses incurred in carrying the provisions of this Act into effect, or under the provisions thereof, shall be paid out of any moneys granted, from time to time, by Parliament for that purpose and for affording help and advice to immigrants, aiding destitute immigrants, visiting and relieving them, procuring medical assistance and otherwise attending to the objects of immigration, as determined by the Parliamentary grants, and by Orders of the Governor in Council for the management of the same. 32-33 V., c. 10, s. 29. Payment of expenses under this Act.

46. The moneys levied under this Act shall be paid by the collector of customs by whom they are received, into the hands of the Minister of Finance and Receiver-General, and shall form part of the Consolidated Revenue Fund of Canada. 32-33 V., c. 10, s. 30. Application of moneys collected.

SCHEDULE.

Names and Description of Passengers.

Port of Embarkation.	Names of Passengers.	Adults. AGE. Male.	Adults. AGE. Female.	Children between 1 and 14. AGE. Male.	Children between 1 and 14. AGE. Female.	Number of Infants not over one year.	Passengers who are heads of families on board.	Number of persons belonging to the Family. Adults.	Number of persons belonging to the Family. Children under 14.	Passengers not belonging to any family on board.	Profession, occupation or calling of Passengers.	Nation or Country of Birth.	Birth at Sea.	Deaths.	Places in the Dominion of Canada or United States to which Passengers are bound.

Particulars Relative to the Vessel.

Vessel's Name.	Master's Name.	Tonnage.	From what Port Port or Place.	Total number of superficial feet in the several compartments set apart for Passengers other than Cabin Passengers.	Total number of Adult Passengers exclusive of Master, Crew, and Cabin Passengers, which the vessel can legally carry.	Where bound.

SUMMARY.

———	Number or Souls.	Number of Adults to which they are equal under the Immigration Act.
Adults		
Children between 1 and 14		
Infants not over 1		
Total		

I hereby certify that the above is a correct description of the (*Description of the Vessel as Ship, Brig, &c.*) (*Name of Vessel*), and a correct list of all the Passengers on board the same, at the time of her departure from (*Place from whence she came*), and that all the particulars therein mentioned are true.

Date, 18 .

Signature of Master.

32-33 V., c. 10, s. 5, sub-s. 2; 35 V., c. 28, s. 14 and schedule.

(B.)

50-51 VICTORIA.

CHAP. 34.

An Act to amend "The Immigration Act."

[*Assented to 23rd June*, 1887.]

Preamble. Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 65, s. 24 amended. 1. Section twenty-four of the Revised Statutes of Canada, chapter sixty-five, "The Immigration Act," is hereby amended by striking out therefrom the words "in Europe" and by inserting after the words "whence they came" the words "or elsewhere."

(C.)

2 EDWARD VII.

CHAP. 14.

An Act to amend the Immigration Act.

[*Assented to 15th May*, 1902.]

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 65, section added. 1. "The Immigration Act," chapter 65 of the Revised Statutes, is amended by inserting the following section immediately after section 24:—

Landing of diseased persons may be prohibited. "24A. The Governor-General may, by proclamation or order, whichever he considers most expedient, and whenever he deems it necessary, prohibit the landing in Canada of any immigrant or other passenger who is suffering from any loathsome, dangerous or infectious disease or malady, whether such immigrant intends to settle in Canada, or only intends to pass through Canada to settle in some other country.

Landing for medical treatment. "2. Such prohibition may be absolute, or may be accompanied by permission to land for medical treatment only, for a period to be determined as provided by order or proclamation."

How prohibited persons may be dealt with. 2. Any person landed in Canada from a vessel in contravention of "The Immigration Act" or any Order in Council or proclamation lawfully issued thereunder, or any person landed for medical treatment who remains in Canada in contravention of such order or proclamation, may be apprehended, without a warrant, by any immigration agent or other government officer, and may be compelled to return or be taken on board the vessel, and by force, if necessary;

Penalties. and every owner or master of a vessel who violates the provisions of this Act, or who aids or abets any immigrant or passenger in acting in contravention of such order or proclamation, or who refuses or neglects to take back on board the vessel any such immigrant or passenger, shall incur a penalty not exceeding ten hundred dollars, and not less than one hundred dollars in the case of each and every of such immigrants or passengers.

(D.)

50-51 VICTORIA.

CHAP. 34.

An Act to amend "The Immigration Act."

[*Assented to 23rd June*, 1887.]

Preamble. Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 65, s. 24 amended. 1. Section twenty-four of the Revised Statutes of Canada, chapter sixty-five, "The Immigration Act," is hereby amended by striking out therefrom the words "in Europe" and by inserting after the words "whence they came" the words "or elsewhere."

(E.)

2 EDWARD VII.

CHAP. 14.

An Act to amend the Immigration Act.

[*Assented to 15th May*, 1902.]

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. "The Immigration Act," chapter 65 of the Revised Statutes, is amended by inserting the following section immediately after section 24:— R.S.C., c. 65, section added.

"24A. The Governor-General may, by proclamation or order, whichever he considers most expedient, and whenever he deems it necessary, prohibit the landing in Canada of any immigrant or other passenger who is suffering from any loathsome, dangerous or infectious disease or malady, whether such immigrant intends to settle in Canada, or only intends to pass through Canada to settle in some other country. Landing of diseased persons may be prohibited.

"2. Such prohibition may be absolute, or may be accompanied by permission to land for medical treatment only, for a period to be determined as provided by order or proclamation." Landing for medical treatment.

2. Any person landed in Canada from a vessel in contravention of "The Immigration Act" or any Order in Council or proclamation lawfully issued thereunder, or any person landed for medical treatment who remains in Canada in contravention of such order or proclamation, may be apprehended, without a warrant, by any immigration agent or other government officer, and may be compelled to return or be taken on board the vessel, and by force, if necessary; and every owner or master of a vessel who violates the provisions of this Act, or who aids or abets any immigrant or passenger in acting in contravention of such order or proclamation, or who refuses or neglects to take back on board the vessel any such immigrant or passenger, shall incur a penalty not exceeding ten hundred dollars, and not less than one hundred dollars in the case of each and every of such immigrants or passengers. How prohibited persons may be dealt with. Penalties.

(F.)

INSTRUCTIONS FOR THE MEDICAL INSPECTION OF IMMIGRANTS.

Issued by the Department of the Interior.

Department of the Interior, Immigration Branch,
Ottawa, March 15, 1904.

The following instructions for the medical examination of arriving immigrants by officers of the Interior Department detailed for that purpose are issued for their guidance.

PETER H. BRYCE,
Chief Medical Inspector, Dept. of Interior.

Approved,

Minister of the Interior.

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2 EDWARD VII.

CHAP. 14.

An Act to amend the Immigration Act.

(Assented to 15th May, 1902.)

(*See* (E.) *ante.*)

EXTRACT from a report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 15th August, 1902.

On a report dated 26th July, 1902, from the Minister of the Interior, submitting with reference to the provisions of the Act, Chapter 14 of 2 Edward 7th, intituled "An Act to amend the Immigration Act," and in view of the large numbers of Immigrants who are now coming from foreign countries to Canada and to the United States *viâ* Canadian ports, that it is expedient and necessary that a Proclamation be issued forthwith, in accordance with the provisions above referred to, prohibiting the landing in Canada absolutely of any immigrant or other passenger who is suffering from any loathsome, dangerous or infectious disease or malady, whether such immigrant or passenger intends to settle in Canada or only intends to pass through Canada to settle in some other country and whom the Minister of the Interior or officer to whom

he intrusts the matter, considers should be absolutely prohibited from landing in Canada or permitting any such immigrant or passenger to land in Canada for medical treatment, only for such period as such Minister or officer may deem reasonable and sufficient to effect his cure, and authorizing such Minister or officer to take such action at the expiration of such period if any such immigrant or passenger so permitted to be landed for medical treatment is not then cured of the disease or malady from which he is suffering as may be necessary, and as can be taken under the provisions before referred to, to return such immigrant or passenger or to compel him to be taken on board the vessel from which he was so temporarily landed, and having so returned him or compelled his return to such vessel, prohibiting his being again landed in Canada.

The minister therefore recommends that a proclamation in such terms be issued forthwith and that the Minister of the Interior be authorized to give any officer to whom he may entrust any action arising under such proclamation and the provisions before referred to, such instructions as he may deem advisable and necessary for the conduct of such action in accordance with the terms and intention of such proclamation and provisions.

The Committee submit the same for approval.

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

To the Honourable
The Minister of the Interior.

N.B.—Published in "Canada Gazette" on 20th September, 1902, Vol. 36, No. 12, for the second consecutive week.

INSTRUCTIONS FOR THE MEDICAL INSPECTION OF IMMIGRANTS.

In order to comply with and enforce the Immigration Act, Amendments thereto, and Regulations made thereunder, the attention of Medical Inspectors, and others connected with the Immigration Service, is directed to the following particulars regarding those persons who may not be admitted as immigrants to Canada, or only admitted under certain conditions.

Differentiation of Immigrants.

Class I.—Those persons who by reason of some specified physical disability or disease, or through some moral or criminal cause, are refused admission to Canada.

Class II.—Those persons who by reason of being diseased, crippled or deformed, or through some mental condition, must be held for examination as to whether the conclusion "that they are likely to become a public charge" can be justified.

Class III.—Those persons who, suffering from some physical disease of a curable character, may be admitted for treatment to a Detention Hospital under the supervision of the Department, under the conditions set forth in the Act or Regulations.

Class I will therefore include: (a) all persons convicted of some crime; (b) all insane persons; (c) all epileptics; (d) all idiots; (e) all blind, deaf and dumb persons, and other defectives; (f) all advanced consumptives; (g) all suffering from chronic venereal disease.

Class II will include those suffering from: (a) dangerous contagious diseases, *e.g.*, smallpox or diphtheria; (b) contagious or loathsome diseases not necessarily dangerous to life, but which may be chronic or incurable, *e.g.*, favus or trachoma; (c) from organic diseases, as heart disease, kidney disease, &c.; (d) or who may be deformed or crippled.

Class III will include those suffering from: (a) some mild acute contagious disease, *e.g.*, measles, chickenpox; (b) a curable parasitic disease, *e.g.*, tinea, scabies, &c.; (c) or a disease which, though non-contagious, may demand treatment, *e.g.*, eczema, injuries, &c.

Directions for examining Immigrants.

1. Medical Inspectors are instructed to exercise due care, when making reports, to classify cases, and to give such details of symptoms as will indicate the chief characteristics of the disease reported upon.

2. Examinations must be made in the daytime, and under no circumstances are such to be made in badly lighted places. In dull weather artificial light must be used, and should shine from behind the examiner. The medical inspection shall be carried out as soon as possible after arrival of the vessel in port, and before passengers are identified by the agent of the station.

3. Crowding of those presenting themselves for inspection must not be permitted, and the inspector must so arrange that he has a free space of ten feet in front, so that he can observe properly the walk of the person approaching. Except infants under one year, other children in arms must be placed on the floor to show if any evidence of infantile paralysis is present, while a proper view of the eyes may be had by causing the person to look at the raised finger as he approaches.

4. The Medical Inspector must look especially for lameness, ataxic gait and paralysis, spinal curvature and hunchbacks, and pigeon-breasts for evidences of disease.

5. He must further carefully examine the marks or stigmata of degeneracy, as strabismus, hare-lip, defects of the palate, defective speech, and any other abnormal developments.

6. He must also examine for evidence of rickets, as knock-knee, and for scrofulous glands of the neck, discharging ears, scabies on hands, &c.

7. Especially must he look for these several defects in all undersized persons, as it is in persons from the slums that these defects are most commonly present.

8. Having had the hat removed, he must examine the scalp for evidence of favus, tinea, pediculi, &c., and in all cases of baldness, where the scalp is in any way abnormal, hold them for special examination.

9. The eyes must be carefully examined by everting the lids and examining the mucous membrane for trachoma or chronic conjunctivitis, characterized by firm persistent granulations general or localized, often associated with a muco-purulent discharge, eroded mucous membrane, with scar tissue in patches or bands, roughened cornea and pannus, trichiasis and entropion. The mild cases of conjunctivitis and blepharitis, due to smoke and dust of the voyage, should be distinguished from the contagious forms of disease.

10. He shall in all cases, before allowing the vessel to proceed, receive from the ship-master and surgeon a signed statement, giving the facts regarding what diseases or accidents, if any, have occurred or been present in patients during the voyage, and shall examine the vessel with a view to reporting to the Chief Medical Inspector any lack of structural or sanitary conveniences likely to promote the spread of disease amongst passengers.

Procedure when Disease is suspected and known to exist.

11. Having detained for special examination persons suspected by himself, or referred to him by an immigration officer of any foreign country, of any disease or condition falling under any of the several previous classes, the Medical Inspector, in any doubtful case, shall refer it for detailed examination to the physician in charge of the Detention Hospital. Whenever such physician is an officer of the Department, or is employed by the Transportation Companies, the examination in detail of all cases *certified for entry* by him shall be reviewed by the Medical Inspector of the Department; and every *certificate for entry* shall bear the signature both of the hospital physician and of the Medical Inspector. Whenever any serious difference of opinion exists regarding any case, the matter will be referred to the Chief Medical Inspector of the Department, whose decision shall be final. Whenever the true nature of any case has been determined, as regards its incurable, or probably curable character only within a given time, the written report of the physician of the Detention Hospital shall be given to the Medical Inspector, who, if agreeing, shall certify to same, and transmit it at once to the Immigration Agent of the Port for communication to the Transportation Company or Companies interested, for their decision as to the disposition of the case, in the matter of cost of treatment.

Certificate of Entry. How Granted.

Reference of cases for treatment or deportation.

12. The report in any case where the physical condition or disease present comes either under Clause 1, is such as is likely to make the person a public charge, or is such as cannot be cured except after months of treatment, shall recommend that the person reported upon be deported, as being undesirable as an immigrant. A copy of the detailed medical examination with the report thereon made to the Immigration Agent, if recommending deportation, shall, within twenty-four hours thereafter, be forwarded to the Chief Medical Inspector at Ottawa.

14. The details of the examination of every case detained on account of suspected disease shall be entered in the record book supplied for the purpose, to be kept at the Detention Hospital, and to be filled out by the physician in charge. A weekly report shall be forwarded to the Chief Medical Officer at Ottawa, containing the particulars called for on the form supplied for the purpose, of all patients detained for treatment. The signed report must be filled out by the physician in charge of the Detention Hospital, and forwarded to the Medical Inspector of the Port for certification and transmission to Ottawa. The Medical Inspector is empowered to examine all persons detained in hospital, and to satisfy himself of the correctness of the report before its certification by him.

15. The Medical Inspector shall enter the results of the examination of the passengers of every ship in the record book kept by him at the Port, and shall at once thereafter report the results of such examination to the Chief Medical Officer, by letter or on the form provided for the purpose.

Notes on Various Diseases.

Nervous Diseases.

Insanity.—This may be acute or chronic, and includes persons suffering from hallucinations, illusions, some monomania or delusion, causing an alteration in disposition, and developing some tendency as to suicide, homicide or melancholia. As regards immigrants from southern countries, regard must be had to their inability to speak English and to the excitement induced through fear, grief and the experience of surroundings strange to them. Detention for careful observation will naturally be made. Positive symptoms will necessarily call for deportation.

Epilepsy.—This disease is necessarily difficult of diagnosis unless a seizure takes place. The ship's surgeon should be especially enquired of regarding any such having occurred on ship-board. Long-standing disease does, however, frequently produce a certain nervous habit and anxious expression of face, which is sufficient to detain the person for observation.

Idiocy.—This disease occurs especially in degenerates from great cities. The small head, the absence of intelligence in face, defective speech, rachitic limbs, flat feet, distended belly in children, with other malformations, present a picture not readily mistaken if care be exercised.

Diseases of Circulation.

Heart Disease.—Such disease is not readily indicated by observation alone; but certain appearances may be present calling for physical examination. An undue obesity for a given age,

with florid cheeks, thickened neck, thickened ear lobes and alae nasi, with breathlessness, taken together are sufficient to make a physical examination necessary. Similarly, an extreme pallor, incurved finger nails, and other evidences of mal-nutrition, suggest a condition demanding careful enquiry.

Varicose Veins.—These are not likely to be detected except when a general examination has been called for by some other condition. They are liable to be associated with other diseases of circulation; but, if not, would be looked upon as due to some classes of occupation requiring long standing on the feet, and to general mal-nutrition. Of themselves, they do not necessarily call for deportation, as rest with treatment will effect often a ready improvement.

Diseases of Respiratory Organs.

Pulmonary Tuberculosis.

First amongst disease of respiration in frequency and importance is pulmonary tuberculosis. While a typical cough, with expectoration, the loss of flesh, the afternoon hectic, will promptly mark its presence in advanced cases, yet in other instances it will happen that only one or more of such signs are present. It is, hence, most desirable that any circumstances creating suspicion should be followed by a fuller examination of temperature, lungs and sputum. The presence of tubercle bacilli in sputum will give unquestionable evidence of the disease.

Bronchitis.—This may be acute or chronic, but in every case the person suffering should be detained for observation and treatment. Its close association with tuberculosis will be remembered, and the association of heart disease with the chronic form makes it necessary that any case be thoroughly studied.

Diseases of the Eye and Membranes.

The routine procedure in the examination of the eyes for disease, and the extent to which measures of exclusion must be exercised in cases of conjunctivitis, acute or chronic, have already been referred to. There are, however, defects of vision, whether due to mal-formation or disease, which in extreme cases must not be overlooked. Refractive errors, resulting in double vision, extreme atrophy, diseases of the choroid, iris, &c., so advanced as to be liable to detection, will probably be such as to make patients public charges. The course to be taken in such instances is evident.

Conjunctivitis (Trachoma).—Like other mucous membranes, the conjunctiva is liable to inflammation, induced by cold, dust and other foreign bodies, measles, small-pox, &c., and by infection with pus germs from abscesses, and contagion from other persons. Within 36 hours after inoculation, a burning sensation, increased secretion and some swelling of the eyelids are observed. Both the latter may become intense, and the inflammation, if not checked, ends in a profuse muco-purulent secretion. Within a few days of its onset, the inflammation begins to subside, the discharge is thicker, and the papillae of the conjunctiva are found swollen through lymph infiltration, resulting in groups of cells called lymph-follicles, or trachoma glands. This disease is very contagious in its acute stage, and to some extent so long as a muco-purulent secretion exists. Like other mucous inflammations, if neglected or occurring in badly nourished, strumous, or unhealthy persons, it may become chronic, resulting in hypertrophies of low vitality, with granulations and thickening of the conjunctival tissues. It may occur in all countries, especially with the cold, raw winds of spring, and is generally looked upon as distinct from purulent or granular conjunctivitis (trachoma). The distinctive feature of trachoma consists in numerous oval bodies developing in the tarsal conjunctiva. If this membrane is not inflamed, these appear prominent, translucent and sago-like. If they occur without any noticeable previous inflammation, they are usually discrete, create little discomfort, and are little, if at all, contagious. If more severe, they are accompanied with the symptoms of conjunctivitis. Within a fortnight numerous granulations are seen, with much thickening of the conjunctiva. It is contagious so long as any mucous secretion occurs. The severity of the disease seems to depend on the virulence of type of the pus germs, and on the health of the person attacked. Following thickening and hypertrophy, the mucous tissue begins gradually to contract, resulting in atrophy, while at other points the inflamed papillae, coalescing, have formed patches of lymph tissue. This type of tissue gradually lessens, resulting in its final stage in areas of scar-tissue devoid of epithelium; but such occurs only through neglect and progress of the disease for many months. It is a disease especially found in the people of Southern Europe and the East, and is due chiefly to bad air, filthy habits, poor food and overcrowding. It is spread in schools, barracks, lumber camps, chiefly through the hands of children, and the use of the same washing water and of common towels. Its progress toward a cure is often slow, depending upon the surroundings, personal hygiene, careful treatment, and physique of the patient.

Diseases of Skin and Scalp.

Baldness (Alopecia).—While baldness is common in men after 40 years, yet its frequency, due to parasitic disease, demands that the Medical Inspector shall detain for more careful examination persons, especially from the continent of Europe, where ringworm (Tinea trychophytina) and favus (Tinea favosa) are very common.

Ringworm (Tinea tonsurans).—This is especially common in the young, but not infrequently occurs especially on the scalp of adults. It is due to a parasitic fungus, which, present in the scales of the skin, spreading from the first red spot outward as a reddish ring, leaves a yellowish, scaly centre. In a week it may be of the diameter of an inch or more, and when attacking the scalp or head becomes more troublesome and persistent. As a disease of the scalp it is especially found in children, and spreads amongst them in families and schools very rapidly. It attacks the hair and its follicles, leaving branny scales, thinning the hair into bald spots, which appear bluish in dark-skinned, and greyish in light-skinned, persons. There are stumps of hair left, thicker than the healthy hairs, and are diagnostic of the disease. In such cases a careful examination of the hairs and scales by the microscope will prove the presence of the fungus. Treatment of tinea of the scalp is often most troublesome and tedious.

Favus.—This disease, but little common in English-speaking countries, prevails in Poland, Russia and Italy, and, owing to its parasitic source and its persistence, demands most careful

attention. Its most frequent seat is the scalp, where it causes first isolated areas, and finally, if untreated, almost complete baldness. The fungus tends to heap up around one or several hairs to ⅓-inch diameter, forming separate round cup-like masses, or *favi*, of a sulphur yellow colour, characteristic of this disease alone. These are seated, superficially embedded in the epidermis, and when lifted off by a forceps, show a surface convex, smooth and shiny, while leaving a pit of a bright red colour, which, if left untreated, will soon fill up with fungus again. The fungus penetrates the hair and follicles, while the hairs, becoming brittle and wiry, soon break off or are destroyed at their roots. Gradually infected centres coalesce, and the yellow scales falling off, leave a mortar-like grey growth, crumbling off as scales, leaving the skin even whiter than normal, while the skin at first inflamed now atrophies, and is drawn up as by cicatrization. Extended bald areas then show on the skin, which becomes uneven and shiny, markedly different from the adjoining healthy skin. Hence, when bald areas exist, close examination of the remaining hair and scalp must be made for new favus cups. A certain diagnosis is readily made by the microscope. The character of the disease makes its treatment usually prolonged, unless in the first stage, when only a few isolated cups are present. When treatment has caused the cups to disappear, several weeks without treatment are necessary to determine whether the growth will reappear from the hair follicles. The removal of the hair by forceps, with treatment, is a certain means of insuring success, but cures by close attention are frequently effected without it.

Eczema.—This is a common disease of scrofulous and badly-nourished children, and is characterized by often widely-inflamed areas, which, though not infectious, demand in severe cases attention and treatment.

Itch (Scabies).—This is a contagious disease, due to the insect (acarus scabiei) burrowing beneath the skin, especially of the front of the wrists and between the fingers of children; often diagnosed by the scratching caused through the intense itching. It causes papillae, and even pustules. The brownish furrow in the skin made by the insect burrowing beneath is diagnostic. Its rapid spread, if untreated, demands detention and treatment. It is acquired, like the other parasitic diseases, by contact, by wearing infected clothing, and by the common use of towels and other articles.

Chickenpox (Varicella).—This highly-contagious disease has distinctive features, causing it to be readily diagnosed, when its history is obtainable. Its sudden onset, with fever and vomiting, the appearance within 12 hours of the rash, which becomes vesicular within 24 hours, its passing on to the pustular stage within another day, the larger and more or less irregular outline of the pustules, their easy breaking down and rapid drying up, and the absence of secondary fever, distinguish it from smallpox on the one hand, and impetigo contagiosa on the other. It must not be overlooked that errors of digestion, circulation, and various blood disorders, due to auto-intoxication, venereal disease, &c., are often productive of urticarias, resembling the acute eruptive diseases; while every such case must be detained for at least temporary observation and treatment.

Diseases of Bones, Joints and Injuries.

While it is true that remarkable instances exist of the ability of persons, much deformed or injured, to earn a living, yet it is apparent that this will seldom be the case with such as are sent as emigrants to Canada.

Hunchbacks, Pigeon Breasts and Knock Knees.—These are common results from rickets and other mal-nutritions associated with scrofula or tuberculosis, especially seen in persons from slums. It is apparent that such are likely to be employed indoors, and if not already diseased, are most liable to become tuberculized.

Paralytics.—While few are likely to be sent out as immigrants, yet, as cases of infantile paralysis will at times be found in a family of children, evidence of this must be sought in testing the ability to walk of all children of proper age. Less frequently, perhaps, cases of locomotor ataxia, due almost always to a specific cause, will be found, and as such, though progressive, may remain for years as charges on public charity. Their entrance must be especially guarded against. The same may be said of all palsies due to other causes.

Hernia.—This so frequent disease may, owing to the extent of the hernia, become of great importance in determining the question of an immigrant's ability to earn a living at manual labour. Liability to some sudden demand for a radical operation and its necessary hospital maintenance must not be overlooked in determining the advisability of admitting such persons as immigrants.

Diseases of Old Age.

Senility and Debility.—Cases of such are not infrequent, the senile being chiefly parents sent for by their children. The assumption of course is that the children who have shown this interest will take care of their parents in their old age; but it is well that some guarantee be had by the proper authorities of some degree of financial ability on the part of such old persons. The feeble and debilitated, though not old, may, if such seems, due to recent disease, be properly detained for treatment; but if the debility is likely to be permanent, unfitting them for earning a living, such persons should not be allowed entrance to the country.

No. 6.

NEW ZEALAND.

GOVERNOR THE EARL OF RANFURLY to MR. LYTTELTON.

(Received June 20, 1904.)

SIR, Wellington, May 11, 1904.

IN reply to your telegram of the 4th instant, I have the honour to forward you herewith the Acts and Regulations in force respecting the admission of immigrants to this Colony.

I have, &c.,
RANFURLY.

Enclosure 1 in No. 6.

NEW ZEALAND.

ANALYSIS.

Title.
1. Short Title.
2. Interpretation.
3. Number of Chinese ships may carry. Penalty.
4. Master on arrival to give list of Chinese passengers on board.
5. Ten pounds to be paid for each Chinese arriving by vessel. Not to apply to crew of vessel.
6. Penalty on not paying for Chinese on arrival. Vessel forfeited.
7. Certificate of sum paid to be given to Chinese, and to be evidence.
8. Moneys to be paid into the Public Account.
9. Penalty on not having paid fee for entrance to the colony.
10. Governor may remit penalties, &c.
11. Justices may fix time for payment of penalties.
12. Penalties recovered in a summary manner.
13. Certificate of exemption from payment.
14. Certificate of exemption may be granted in cases of temporary absence from the colony.
15. Governor may make regulations.

Title.

AN ACT to regulate the Immigration of Chinese.

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Chinese Immigrants Act, 1881."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Chinese" means any person born of Chinese parents, and any native of China and its dependencies, or of any island in the China seas, born of Chinese parents:

"Vessel" means any ship or other seagoing vessel of whatsoever kind or description:

"Master" means the person, other than a pilot, for the time being in actual command of any such vessel.

Number of Chinese ships may carry.

Penalty.

3. If any vessel shall arrive in any port in New Zealand, having on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the tonnage of such vessel, according to the registry thereof if British, and, if not, then according to the measurement prescribed by any Act for the time being in force regulating the measurement of British ships, the owner, charterer, or master of such vessel shall be liable, on conviction, to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess.

Master on arrival to give list of Chinese passengers on board.

4. The master of every vessel having Chinese on board shall, immediately on his arrival in any port of the colony, deliver to the Collector or other principal officer of Customs a list of such Chinese, specifying the name, the place of birth, the apparent age, and the former place of residence of each such Chinese. For any default in complying with this provision, such master shall be liable to a penalty not exceeding two hundred pounds.

Ten pounds to be paid for each Chinese arriving by vessel.

5. Before making any entry at the Customs, and before any Chinese shall be permitted to land, the master shall pay to such Collector or other principal officer ten pounds for every such Chinese; and no entry shall be deemed to have been legally made, or to have any legal effect, until such payment shall have been made.

Not to apply to crew of vessel.

The sum of ten pounds aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel, unless he lands with the intention of remaining in the colony.

Penalty on not paying for Chinese on arrival.

6. If any master shall neglect to pay any such sum, or shall land or permit to land any Chinese at any place in the colony before such sum shall have been paid for or by such Chinese, with the intent, in any of the above cases, to evade the payment thereof, such master in addition to such sum shall be liable, for every such offence, to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land.

Vessel forfeited.

And in every such case, in addition to any such penalty, the vessel shall be forfeited, and may be seized, condemned, and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs of this colony.

Certificate of sum paid to be given to Chinese, and to be evidence.

7. On payment of such sum in respect of any Chinese, the Collector or other officer as aforesaid shall, without demand, forthwith supply each Chinese in respect of whom any such payment is made with a certificate, in writing under his hand, of the payment of such sum.

Such certificate shall be in a form to be prescribed by the regulations hereinafter mentioned, and, whensoever or wheresoever produced by such Chinese, shall be conclusive evidence on behalf of himself, and of any other person who may have paid such sum for him, that such sum has been duly paid.

Moneys to be paid into the Public Account.

8. All sums so paid by or on behalf of any Chinese shall be paid into the Public Account and form part of the Consolidated Fund.

Penalty on not paying fee for entrance to the colony.

9. If any Chinese shall enter or attempt to enter the colony without paying or having paid for him the sum of ten pounds aforesaid, he shall, besides such sum, be liable to a penalty not exceeding ten pounds, and may be apprehended and taken before any Justice of the Peace, who may take sufficient bail for his appearance at any sitting of a Resident Magistrate's Court at or nearest to the place where such Chinese may be, or remand him to such other Court as to such Justice shall seem fit, until such Chinese shall produce a certificate of payment as aforesaid.

Governor may remit penalties &c.

10. It shall be lawful for the Governor to remit the whole or any part of any penalty, forfeiture, or sum of whatever description due or payable under this Act.

Justices may fix time for payment of penalties.

11. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money, it shall be lawful for the Justices, if they shall see fit, to order that such sum, or any part thereof, shall be payable at some future day, not being longer than two months from the date of such order, provided security by way of recognizance to Her Majesty to the satisfaction of such Justices be given for the payment of the amount mentioned in, and at the time fixed by, any such order.

Penalties recovered in a summary manner.

12. All penalties and sums payable under this Act may be recovered in a summary manner before two Justices of the Peace, upon the prosecution of some officer of Customs, or other person authorised for that purpose by the Governor.

At any hearing the Justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act.

Certificate of exemption from payment.

13. Every Chinese within the Colony of New Zealand, at the date when this Act comes into operation, may, within two months thereafter, apply to the Resident Magistrate's Court nearest to his place of abode for a certificate of exemption from payments under this Act.

Any Resident Magistrate exercising jurisdiction at such Court shall deliver to any Chinese so applying a certificate, which shall bear on the face of it the name of such Chinese, and the signature of the Magistrate granting such certificate, and such other matters which may be prescribed in the regulations; and the holder of such certificate shall be exempted from payments under this Act.

For the purposes of this section the term "Resident Magistrate" shall include a Warden having jurisdiction within any goldfield proclaimed under any Act for the time being in force relating to goldfields.

Certificate of exemption may be granted in cases of temporary absence from the colony.

14. The Colonial Treasurer, or any person authorised by him, may, upon the application of any Chinese, and upon being satisfied that such Chinese was, at the time of the coming into operation of this Act, a *bonâ fide* resident of the colony, and that he desires to be absent therefrom for a temporary purpose only, grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate.

And, during the time so specified, the holder of such certificate shall be exempt from all payments under this Act.

Governor may make regulations.

15. The Governor in Council may, from time to time, make such regulations as he shall deem necessary for giving effect to this Act, and all such regulations shall be gazetted.

Enclosure 2 in No. 6.

NEW ZEALAND.

ANALYSIS.

Title.
1. Short Title.
2. The term "Chinese" interpreted.
3. Interpretation.
4. Limitation in number of Chinese to be brought to colony by vessel.
5. Increase of penalty prescribed by sixth section of "The Chinese Immigrants Act, 1881."
6. Chinese not paying penalty may be imprisoned.
7. Exemption of certain Chinese officials.
8. Exemption of crews of vessels who do not land in colony.
9. Provision against evading Act by transhipping Chinese into other vessels.
10. Burden of proof to be on defendant.
11. This Act not to apply to Chinese vessels of war.
12. Duration of Act.

Title.

AN ACT to amend "The Chinese Immigrants Act, 1881."

[*August* 30, 1888.

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Chinese Immigrants Act Amendment Act, 1888."

The term "Chinese" interpreted.

2. The term "Chinese" in the said Act and in this Act does not include Chinese naturalised in New Zealand.

Interpretation.

3. In this Act, "The Chinese Immigrants Act, 1881," is referred to as "the said Act."

Limitation in number of Chinese to be brought to colony by vessel.

4. The third section of the said Act is hereby repealed, and in lieu thereof it is enacted:—

If any vessel shall arrive in any port or place in New Zealand having on board a greater number of Chinese passengers than in the proportion of one to every one hundred tons of the tonnage of such vessel, according to the registry thereof if British, and, if not, then according to the measurement prescribed by any Act for the time being in force regulating the measurement of British ships, the owner, charterer, or master of such vessel shall be liable on conviction to a penalty not exceeding one hundred pounds for each Chinese passenger so carried in excess:

Provided that this section shall not apply to any Chinese passenger who shall prove, by statutory declaration or otherwise, to the satisfaction of the Collector of Customs at the port at which such passenger proposes to land, that he had left China or Hong Kong for New Zealand before the tenth day of June, one thousand eight hundred and eighty-eight.

Increase of penalty prescribed by sixth section of "The Chinese Immigrants Act, 1881."

5. The penalty prescribed by the sixth section of the said Act shall henceforth be fifty pounds in lieu of twenty pounds as therein provided.

It shall also be an offence within the meaning the said section, as amended by this Act, if the master of any vessel which shall have brought Chinese to the colony shall permit or suffer any Chinese to escape from such vessel before the prescribed amount shall have been paid on behalf of such Chinese.

Chinese not paying penalty may be imprisoned.

6. If any Chinese who becomes liable to the penalty prescribed by the ninth section of the said Act shall make default in payment of such penalty he shall be liable to imprisonment for twelve months unless such penalty be sooner paid, and may be apprehended and taken before any Justice of the Peace to be dealt with in due course of law.

Exemption of certain Chinese officials.

7. The sum of ten pounds required to be paid by the fifth section of the said Act shall not be payable by or for any Chinese duly accredited to this colony by the Government of China, or by or under the authority of the Imperial Government, on any special mission.

Exemption of crews of vessels who do not land in colony.

8. The penalties and restrictions imposed by the said Act as amended by this Act shall not nor shall any of them be held to be applicable in the case of any Chinese being one of the crew of any vessel arriving in any port in New Zealand, and no such Chinese being one of such crew shall be discharged and landed from such vessel within the colony, or shall at any time go on shore, except in the performance of his duties in connection with such vessel, and every such Chinese so discharged and landed shall be liable to a penalty of twenty pounds.

Provision against evading Act by transhipping Chinese into other vessels.

9. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this colony shall be deemed to be a vessel bringing Chinese into the said colony from parts beyond the said colony, and shall be subject to all the requirements and provisions of the said Act and this Act, and all Chinese so transhipped and brought to such port or place shall be deemed to be Chinese arriving from parts beyond New Zealand.

10. For the purpose of any proceeding taken under any of the provisions of the said Act or this Act the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions; and it shall not be necessary in any information, summons, or conviction, or other document to state or negative any exception in or exemption under the said Acts. Burden of proof to be on defendant.

11. Nothing contained in this Act or the said Act shall apply to the officers or crews of any vessel or vessels of war of His Majesty the Emperor of China, who shall have all the privileges and immunities enjoyed by the officers and crews of the vessels of war of any other friendly power. This Act not to apply to Chinese vessels of war.

12. This Act shall remain in force till the end of the next session of the General Assembly and no longer. Duration of Act.

Enclosure 3 in No. 6.

NEW ZEALAND.

ANALYSIS.

Title.

Preamble.

1. Short Title.
2. Poll-tax increased to £100.
3. Section 9 of principal Act amended.
4. Number of Chinese to be brought to colony limited.
5. Act not to apply in certain cases.
6. Duration of Act.

1896, No. 19.

An ACT to further amend the Law regulating the Immigration of Chinese. Title.

[*September* 30, 1896.

Whereas by an Act passed in the present session of Parliament, and intituled "The Asiatic Restriction Act, 1896," the provisions hereinafter contained were enacted respecting Asiatics, but that Act has been reserved by His Excellency the Governor for the signification of Her Majesty's pleasure thereon, and it is expedient in the meantime to bring those provisions into operation respecting Chinese in manner hereinafter appearing: Preamble.

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Chinese Immigrants Act Amendment Act, 1896," and it shall form part of and be read together with "The Chinese Immigrants Act, 1881" (hereinafter called "the principal Act"). Short Title.

2. Section five of the principal Act is hereby amended by substituting the words "one hundred" in lieu of the word "ten." Poll-tax increased to £100.

3. Section nine of the principal Act is hereby amended by substituting the words "one hundred" in lieu of the word "ten" where that word first occurs therein. Section 9 of principal Act amended.

4. Section four of "The Chinese Immigrants Act Amendment Act, 1888," is hereby amended by substituting the words "two hundred tons" in lieu of the words "one hundred tons." Number of Chinese to be brought to colony limited.

5. This Act shall not apply to any Chinese passenger who shall prove, by statutory declaration or otherwise, to the satisfaction of the Collector of Customs at the port at which such passenger proposes to land, that he had left China or Hong Kong for New Zealand before the first day of October, one thousand eight hundred and ninety-six. Act not to apply in certain cases.

6. This Act shall continue in operation until the coming into operation of "The Asiatic Restriction Act, 1896," but no longer. Duration of Act.

Fnclosure 4 in No. 6.

NEW ZEALAND.

ANALYSIS.

Title.
1. Short Title.
2. Repeal.
3. Chinese members of crew to be accounted for.
4. Not deemed a passenger on compliance with Act. Proviso.
5. Chinese sailor may go ashore in performance of duties.
6. Act not to affect proceedings pending.

1901, No. 3.

Title. An ACT to amend "The Chinese Immigrants Act, 1881."

[*July* 27, 1901.

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. The Short Title of this Act is "The Chinese Immigrants Act Amendment Act, 1901"; and it shall form part of and be read together with "The Chinese Immigrants Act, 1881" (hereinafter called "the principal Act").

Repeal. 2. In order to remove any doubts as to the application of the principal Act and its amendments in the case of Chinese members of the crew of any ship arriving at any port or place in New Zealand, and to give reasonable facilities to such Chinese to go ashore from time to time in the performance of their duties in connection with the ship, the second paragraph of section five of the principal Act, and section eight of "The Chinese Immigrants Act Amendment Act, 1888," are hereby repealed, and in lieu thereof the following provisions of this Act are substituted.

Chinese members of crew to be accounted for. 3. On the arrival at any port or place in New Zealand of any ship having Chinese on board as part of the crew, and before any person lands in New Zealand, the master of the ship shall, in the presence of an officer of Customs, muster the crew and give to such officer a list signed by the master containing the names and number of such members of the crew as are Chinese; and immediately prior to the departure of the same ship, and before receiving her clearance, the master shall again, in the presence of an officer of Customs and the Shipping Master, muster the crew, and satisfy such officer and Shipping Master that all the Chinese comprised in the said list are then on board and will leave New Zealand with the ship, or, if not then on board, have not landed in New Zealand.

Not deemed a passenger on compliance with Act. 4. Every Chinese member of the crew as aforesaid in respect of whom the foregoing provisions of this Act are not faithfully complied with shall be deemed to be a passenger who has landed in New Zealand within the meaning of the principal Act and its amendments, and the liabilities, penalties, and provisions of those Acts shall apply accordingly:

Proviso. Provided that the maximum penalty imposed by section nine of the principal Act is hereby increased from twenty pounds to fifty pounds, and that section and section six of "The Chinese Immigrants Act Amendment Act, 1888," shall be read and construed accordingly.

Chinese sailor may go ashore in performance of duties. 5. Subject to the provisions of this Act, it shall be lawful for any Chinese member of the crew as aforesaid from time to time to go ashore in the performance of his duties in connection with the ship, but for no other purpose.

Act not to affect proceedings pending. 6. Nothing in this Act shall affect any proceedings under the principal Act now pending.

Enclosure 5 in No. 6.

NEW ZEALAND.

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. Exceptions to operation of Act.
3. Persons prohibited from landing in New Zealand.
4. Certain persons may land if deposit made and certificate thereafter obtained. Deposit forfeited if certificate not granted.
5. Status of wife and child.

6. Former resident may be exempted.
7. Penalties and costs in respect of unlawful landing of prohibited immigrant.
8. Liability where prohibited immigrants transhipped.
9. No vessel to be cleared out until Act complied with.
10. Vessel may be detained if Act not complied with.
11. In default of payments due under Act vessel may be sold.
12. Court may give time to pay.
13. Provisions with respect to removal of prohibited immigrants from New Zealand.
14. Penalties.
15. Penalty for assisting idiot or insane person to land.
16. Moneys received payable to Public Account.
17. Recovery of sums and penalties.
18. Governor may remit penalties.
19. Power to declare diseases contagious, appoint officers, and make regulations.
20. Regulations to be laid before Parliament.
21. "The Chinese Immigrants Act, 1881," not affected.
22. Commencement of Act.
Schedule.

1899, No. 33.

An Act to place certain Restrictions on Immigration into New Zealand. Title.

[*Reserved for the signification of Her Majesty's pleasure thereon.*]

Whereas the Bill intituled "The Asiatic Restriction Act, 1896," has not been assented to by Her Majesty, and it is expedient to make other provision for restricting immigration into New Zealand in certain cases: Preamble

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Immigration Restriction Act, 1899." Short Title.

2. This Act shall not apply to— Exceptions to operation of Act.

(1.) Any person possessed of and named in a certificate in the form numbered one in the Schedule hereto, signed by the Colonial Secretary, or any officer, whether in or outside of New Zealand, whom the Governor in Council authorises to grant such certificates; nor to

(2.) Any person of a class for whose immigration into New Zealand provision is made by law, or by a scheme approved by the Governor in Council; nor to

(3.) Any person or class of persons exempted from this Act by the Governor in Council; nor to

(4.) Her Majesty's land and sea forces; nor to

(5.) The officers and crew of any ship of war of any Government; nor to

(6.) Any person being one of the officers or crew of any mercantile vessel—provided that he is not discharged in New Zealand, and also that he is on board the vessel when she is cleared outwards, and leaves New Zealand with her; nor to

(7.) Any person duly accredited to the Government of New Zealand by or under the authority of the Imperial or any other Government.

3. Except in so far as is otherwise provided in the subsequent sections of this Act, it shall not be lawful for any person of any of the following classes (hereinafter called "prohibited immigrants") to land in New Zealand, that is to say,— Persons prohibited from landing in New Zealand.

(1.) Any person other than of British (including Irish) birth and parentage who, when asked so to do by an officer appointed under this Act by the Governor, fails to himself write out and sign, in the presence of such officer, in any European language, an application in the form numbered two in the Schedule hereto, or in such other form as the Colonial Secretary from time to time directs:

Provided that any person dissatisfied with the decision of such officer shall have the right to appeal to the nearest Stipendiary Magistrate, who shall make such inquiries as he shall think fit, and his decision thereon shall be final:

(2.) Any idiot or insane person:

(3.) Any person suffering from a contagious disease which is loathsome or dangerous:

(4.) Any person who, not having received a free pardon, has within two years next preceding the date on which he lands been convicted in any country of any offence involving moral turpitude which, if committed in New Zealand, would be punishable by imprisonment for two years or upwards, not being a mere political offence:

Provided that this section shall not apply to shipwrecked persons.

Certain persons may land if deposit made and certificate thereafter obtained.

4. Any person appearing to be a prohibited immigrant within the meaning of section three of this Act, but not coming within the meaning of subsections two, three, or four of that section, may lawfully land in New Zealand upon the following conditions, that is to say:—

(1.) He shall, before landing, deposit with an officer under this Act the sum of one hundred pounds:

(2.) He shall, within the period of fourteen days after landing, obtain from the Colonial Secretary or a Stipendiary Magistrate a certificate that he does not come within the prohibition of this Act:

Deposit forfeited if certificate not granted.

(3.) If within such period he duly obtains such certificate, such deposit shall be returned to him and he shall cease to be subject to this Act; but if not, then by force of this Act such deposit shall be forfeited to Her Majesty, and he shall be deemed to be a prohibited immigrant who has unlawfully landed in New Zealand:

Provided that the forfeiture of his deposit shall be deemed to be in satisfaction of the penalty of one hundred pounds hereinafter prescribed, and also that no liability shall attach to the vessel, its master or owners, by reason of his having landed, except the liability for the expense of his removal from New Zealand, and of his detention and maintenance in New Zealand pending such removal, as hereinafter prescribed.

Status of wife and child.

5. In any case where any person, not being a prohibited immigrant, lands in New Zealand, accompanied by his wife or children, such wife or children shall not be deemed to be prohibited immigrants.

Former resident may be exempted.

6. In any case where any person when landing in New Zealand satisfies an officer under this Act that he is or formerly was domiciled in New Zealand, and also that he does not come within the meaning of subsections two, three, or four of section three of this Act, he shall not be deemed to be a prohibited immigrant.

Penalties and costs in respect of unlawful landing of prohibited immigrant.

7. In every case where any prohibited immigrant unlawfully lands in New Zealand the following provisions shall apply:—

(1.) He is liable to a penalty of one hundred pounds.

(2.) Irrespective of such penalty, he is also liable to be removed from New Zealand, and, pending such removal, to be detained in prison or other safe custody for any period not exceeding six months:

Provided that upon the aforesaid penalty of one hundred pounds being paid he may at any time be released from detention for the purpose of being removed from New Zealand, or upon his finding two approved sureties, each in the sum of fifty pounds, that he will leave New Zealand within one month.

(3.) The master and owner of the vessel by which he was brought to New Zealand are jointly and severally liable—

(*a.*) To a penalty of one hundred pounds in respect of each such immigrant; and also

(*b.*) To defray the expenses incurred by the Government in respect of such immigrant's removal from New Zealand, and of his detention and maintenance in New Zealand pending such removal:

Provided, however, that in the case of a prohibited immigrant within the meaning of subsection three or subsection four of section three hereof no proceedings shall be taken against such master or owner after the expiration of three months from the date of the arrival of such vessel in any New Zealand port.

Liability where prohibited immigrant transhipped.

8. In any case where prohibited immigrants are transhipped from one vessel to another for the purpose of being brought to New Zealand, the provisions of this Act shall apply to both such vessels, their masters and owners, in like manner as if such immigrants had been brought to New Zealand by both such vessels.

No vessel to be cleared out until Act complied with.

9. No vessel shall be cleared out of any port of New Zealand unless and until all the provisions of this Act relating to such vessel, its master and owner, have been duly complied with nor until all penalties and other moneys payable by such master or owner have been fully paid, or have been duly secured by bond in manner hereinafter provided.

Vessel may be detained if Act not complied with.

10. In any case where the Commissioner of Customs is of opinion that the master or owner of any vessel has committed any offence, or made any default, or is liable for the payment of any penalty or other moneys under this Act, the following special provisions shall apply:—

(1.) The Commissioner may by writing under his hand authorise any person, being an officer of Customs or member of the Police Force, to detain such vessel.

(2.) Such detention may be either at the port or place where such vessel is found, or at any port or place to which the Commissioner orders such vessel to be brought.

(3.) For the purposes of such detention the person authorised to effect the same shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with the vessel as would be available in the case of vessels or goods seized under any Act relating to the Customs.

(4.) Such detention shall be for safe custody only, and shall be discontinued if a bond with two sufficient sureties to the satisfaction of the Commissioner is given by the master or owner for the full payment of all penalties and other moneys then payable, or that may thereafter be adjudged to be payable, under this Act in respect of any such offence, default or liability (including the costs incurred in and about the detention of the vessel).

In default of payments due under Act vessel may be sold.

11. If default is made by the master or owner of any vessel in paying or in securing by bond as aforesaid the full payment of any penalty or other moneys payable under this Act by such master or owner, then the following provisions shall apply:—

(1.) Such vessel may be seized and sold under the provisions for seizure and sale of vessels or goods contained in any Act relating to the Customs, and for that purpose the provisions of subsection three of the last-preceding section hereof shall, *mutatis mutandis*, apply.

(2.) The proceeds of such sale shall be applied—first, in payment of the costs incurred in and about the detention, seizure, and sale of the vessel; secondly, in payment of all penalties and other moneys payable under this Act as aforesaid by the master or owner; and the surplus (if any) shall be paid to the owner or other person lawfully entitled thereto.

Court may give time to pay.

12. Upon the conviction of any prohibited immigrant under any of the foregoing provisions of this Act, whereby he is adjudged to pay a sum of money, the Court, if it sees fit, may order that such sum or any part thereof shall be payable at some future day, not being longer than three months from the date of such order, provided that security to the satisfaction of the Court is given for the payment of the amount mentioned in and at the time fixed by any such order.

Provisions with respect to removal of prohibited immigrants from New Zealand.

13. For the purposes of the removal from New Zealand of prohibited immigrants, the following provisions shall apply:—

(1.) The Colonial Secretary, or any person authorised by him, may make a contract with the master, owner, or agent of any vessel for the passage of any such immigrant to the port or place whence he came, or to any port or place in or near to his country of birth.

(2.) Upon the contract being made, such immigrant may, with his personal effects, be placed on board such vessel by any officer under this Act, or by any officer of police, and the master shall keep such immigrant on board, and (if necessary) under custody, until the vessel has sailed.

(3.) If the immigrant appears to be destitute, the officer placing him on board may supply him with such sum of money as the Colonial Secretary or any person authorised by him certifies to be reasonably required, in order to enable him to maintain himself for one month after disembarking from the vessel at the end of the voyage.

(4.) All moneys expended under this section shall be included in computing the expenses incurred in respect of the immigrant's removal from New Zealand.

Penalties.

14. Every person is liable to a penalty not exceeding one hundred pounds who in any way—

(1.) Wilfully assists a prohibited immigrant to unlawfully land in New Zealand; or

(2.) Wilfully assists any person to evade or contravene any of the provisions of this Act; or

(3.) Obstructs or hinders any officer in the discharge of his functions or duties under this Act; or

(4.) Commits any breach of any of the provisions of this Act for which no specific penalty is imposed by this Act elsewhere than in this section.

Penalty for assisting idiot or insane person to land.

15. If any person wilfully assists any idiot or insane person to land in New Zealand, then, in addition to the panalty imposed by the last-preceding section hereof, he is also liable for the cost of the maintenance of such idiot or insane person whilst in New Zealand.

Moneys received payable to Public Account.

16. All sums and penalties paid or recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

Recovery of sums and penalties.

17. All sums and penalties payable under this Act may be recovered in a summary manner, and the proceedings for such recovery shall be taken by any officer under this Act or any officer of Customs.

Governor may remit penalties.

18. The Governor may remit the whole or any part of any penalty, forfeiture, or sum of money payable under this Act.

Power to declare diseases contagious, appoint officers, and make regulations.

19. The Governor in Council may from time to time, as he thinks fit,—

(1.) Declare any disease to be a contagious disease which is loathsome or dangerous within the meaning of this Act:

(2.) Appoint officers for the purposes of this Act, and define their functions and powers:

(3.) Make such regulations as he deems necessary for prescribing forms under this Act, inspecting vessels, their passengers, crews, and papers, in order to enforce the provisions and prevent evasions of this Act, and generally for any purpose for which regulations are contemplated or required by this Act, or which he deems necessary in order to give effect to this Act, including the imposition of penalties not exceeding fifty pounds for the breach of such regulations.

Regulations to be laid before Parliament.

20. A copy of all regulations made under this Act shall be laid before Parliament within ten days after the publication thereof if Parliament be then sitting; if not, then within ten days after the commencement of the next-ensuing session thereof.

"The Chinese Immigrants Act, 1881," not affected.

21. Nothing in this Act contained shall apply to Chinese within the meaning of the "The Chinese Immigrants Act, 1881"; but all such Chinese shall continue to be subject to the provisions of that Act in like manner as if this Act had not been passed.

Commencement of Act.

22. This Act shall come into operation on such date as shall be notified by Proclamation in the "Gazette."

Schedule.

SCHEDULE.

FORM 1.—CERTIFICATE OF EXEMPTION UNDER "THE IMMIGRATION RESTRICTION ACT, 1899."

UNDER the provisions of "The Immigration Restriction Act, 1899," I hereby certify that [*Full name, occupation, and address*], whose signature appears in the margin, is exempt from the operation of that Act.

[*Signature of exempted person.*]

Dated at , this day of

A.B.,
Colonial Secretary
[*or otherwise, as the case may be*].

FORM 2.—APPLICATION FOR ADMISSION INTO NEW ZEALAND.

UNDER the provisions of "The Immigration Restriction Act, 1899," I, [*Full name, occupation, and address*], hereby make application for admission into New Zealand, and declare that I am not a prohibited immigrant within the meaning of that Act.

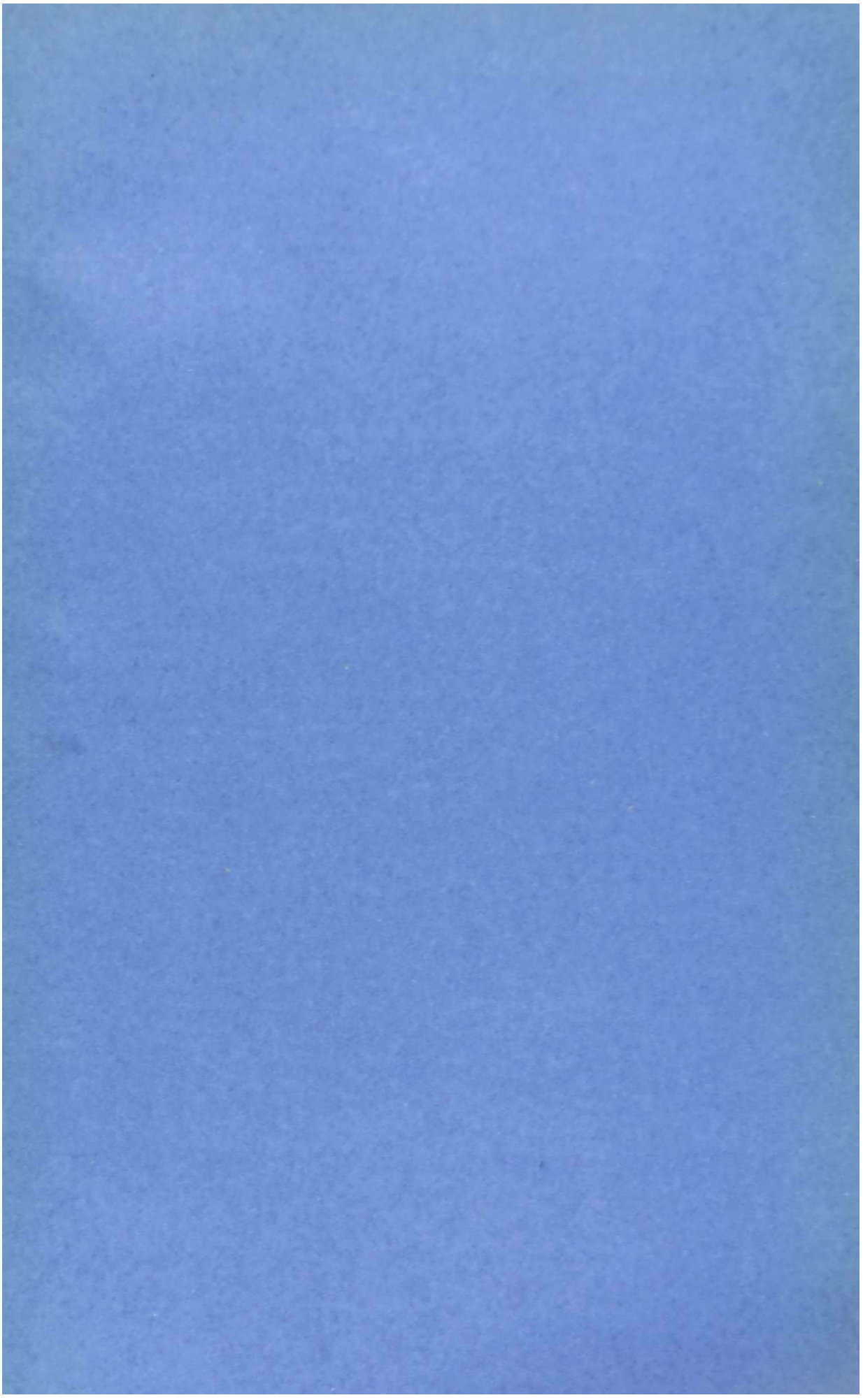
And I further declare as follows:—

I was born at , in the year .

My place of abode during the last twelve months has been

Dated at , this day of .

[*Signature of Applicant.*]



TRANSVAAL.

FURTHER CORRESPONDENCE

RELATING TO

LABOUR IN THE TRANSVAAL MINES.

(*In continuation of* [Cd. 2015], [Cd. 2026] *and* [Cd. 2104].)

Presented to both Houses of Parliament by Command of His Majesty.
August, 1904.

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1904.

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TRANSVAAL.

FURTHER CORRESPONDENCE

RELATING TO

LABOUR IN THE TRANSVAAL MINES.

No. 1.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 8.55 p.m., May 31, 1904.)

TELEGRAM.

[*Answered by No.* 2.]

May 31. No. 1. The arrangement which I have agreed to and embodied in the wages clauses of the contract was based upon your assurance that the average existing wage for Kaffirs was about 50s. and might be treated as being at that rate. This has been challenged by a correspondent who refers to Sir George Farrar's statement in December, page 252 of Cd. 1895, and to exhibit No. 1 in Cd. 1897 which show that the average wage in June and December of last year was 54s. He also points out that Perry in his evidence, page 43 of Cd. 1897, stated 60s. was the standing wage for all boys with the exception of raw boys coming from the east coast, and that unless the minimum wage for all able-bodied Chinese is 2s. a day for underground labour, my undertaking that Chinese labour will not be used to undercut Kaffir labour will be nullified.

Please furnish me with explanation as to manner in which average wage of about 50s. was arrived at, and also as to insertion in contract of rates of the Schedule of January, 1903, in view of the scale of April, 1903, on page 112 of Chamber of Mines report of 1903, to which my attention has only now been drawn, and which apparently substituted different and higher rates for those in the Schedule restored in January.

I must be supplied with full justification for the arrangement which I have adopted enabling me to maintain that Chinese will not be introduced on terms which will undercut Kaffir wages as existing at the time of introduction.

No. 2.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 5.57 p.m., June 9, 1904.)

TELEGRAM.

June 9. No. 2. Your telegram of 31st May, No. 1.* My statements that

* No. 1.

average Kaffir wage does not exceed £2 10s. are based upon official figures, as to accuracy of which I have no doubt. I can only assume that evidence of Farrar and Perry referred to special rates authorized at a period of great strain in order to secure special type of labour. However this may have been, fact remains that general average does not exceed £2 10s. Half-yearly report of Government Mining Engineer for six months ending December, 1903, shows that total of 64,162 natives earned £913,870 for half-year, an average of 47s. 5¾d. per head. Average has certainly not been raised since then. I am therefore well within the mark in my estimate of £2 10s., and adoption of schedule which has been inserted in contract gives ample security that Chinese will earn present average Kaffir wage and will not be used to undercut the latter. Of course, this is independent of effect of piece-work, which will, I believe, result in Chinese earning considerably more.

No. 3.

MR. LYTTELTON to HIGH COMMISSIONER VISCOUNT MILNER.

(Sent 4.12 p.m., June 13, 1904.)

TELEGRAM.

[*See No. 7.*]

(Extract.)

13th June. No. 2. Deaths among British Central African natives for four comparatively healthy months continue at the rate of 87 per thousand, excluding lives lost in accidents in Robinson Mine, which is double the average rate in mines generally. Can this be explained? It shows that greatest care will have to be exercised in recruiting further supply and in arrangements made for their care and protection.

No. 4.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 4.10 p.m., June 16, 1904.)

TELEGRAM.

[*Answered by No. 5.*]

(Extract.)

June 16. No. 1. Matter most urgent. In answering a question yesterday as to the minimum Kaffir wage I stated that I understood that the minimum wage was 45s. for men and 30s. or less for youths and boys; this is in accordance with rates given at page 112 of Chamber of Mines report for 1903, and I presume still holds. If not, you should inform me. I have justified minimum wage of 30s. for Chinese on ground of your assurance that by means of piece-work and by adoption of schedule the average wage will be 50s.

No. 5.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 9.18 p.m., June 19, 1904.)

TELEGRAM.

June 19. No. 1. Matter most urgent. Your telegram of 16th June, No. 1.* Statement made by you as to minimum Kaffir wage is correct. Assurance that average Chinese wage will not be less than 50s. within six months has been embodied

* No. 4.

in prescribed form of contract. Circular of April, 1903, did not really abolish former schedule of wages but made it discretionary. It was introduced in the hope of increasing supply of labour from Basutoland and Cape Colony but was found ineffectual for this purpose. Ordinary recruiting rate for adult natives is, as a matter of fact, 45s. to-day. Rates of less than 1s. 6d. per diem apply to very small classes of labourers, and are, in most cases, based on calculations of piecework. Average wages for year 1898 under same schedule which was restored January, 1903, correspond with average for six months ending December, 1903, as stated in my telegram of 9th June, No. 2.* Out of total number of 73,198 natives employed on 30th April, 1904, 3,040 boys were paid at the rate of 30s. or less, *id est*, 4.15 per cent. of the whole.

No. 6.

GOVERNMENT GAZETTE, JUNE 10, 1904.

(Received in Colonial Office July 2, 1904.)

Government Notice No. 777, of 1904.

Regulations issued under Section 29 of Ordinance 17, of 1904.

His Excellency the Lieutenant-Governor has been pleased to make the following Regulations for the introduction of labourers from China under the powers conferred on him by section *twenty-nine* of the Labour Importation Ordinance, 1904, referred to in the Regulations as the said Ordinance.

By Command of His Excellency the Lieutenant-Governor.

RICHARD SOLOMON,
Attorney-General.

June 2, 1904.

RECRUITING.

1. No person shall recruit Chinese labourers for introduction into the Transvaal unless he is in possession of a license to do so issued by the official mentioned in Regulation No. 2.

Such license shall be issued on such conditions as the said official may impose in accordance with instructions given to him by the Lieutenant-Governor.

All instructions issued to the said official shall be published in the *Gazette*.

CONTRACT OF SERVICE.

2. Every contract of service entered into under the Labour Importation Ordinance, 1904, shall be signed by the labourers to be bound thereby in the presence of an official, styled "Transvaal Emigration Agent," representing the Transvaal Government, and stationed at such ports of embarkation as may be notified in the *Gazette*. Notice shall be given in the *Gazette* of the name and residence of each of the said officials.

3. The official mentioned in the preceding Regulations shall, before any contract is signed by the labourers, explain to them in their own language the provisions thereof, and also the clauses set forth in the first schedule attached to the contract, and shall certify at the foot of the said contract that he has done so, and that the labourers who signed the contract did so voluntarily, and without any undue pressure or misrepresentation.

---

* No. 2.

No contract shall be registered at the office of the Superintendent not certified as aforesaid.

4. Every contract of service shall be signed by the parties thereto in duplicate original in the presence of the official mentioned in the preceding Regulations, and shall be as nearly as possible in the form set forth in Form No. 1 to these Regulations, and a certified copy of such contract translated into the Chinese language shall be delivered to each labourer by the said official. One duplicate original of the said contract shall be delivered by the said official to the importer or his agent who signed the said contract, and the other duplicate original shall be forwarded by the said official to the Superintendent.

5. No such contract shall be signed by labourers until they have been examined by a qualified medical practitioner, and certified to as being mentally and bodily sound.

6. It shall be competent for any labourer to terminate his contract of service at any time without assigning any reason on tendering to his importer the expenses incurred in introducing him and his wife and children (if any) into the Transvaal, together with a sum sufficient to defray the expenditure necessary in returning them to the port at which they embarked.

Notice of the termination of any contract by the labourer shall be forthwith given by the employer to the Superintendent.

Renewal of Contracts.

7. Every renewal of a contract of service shall be in writing, and shall be signed by the employer and the labourers to be bound thereby in the presence of the Superintendent, who shall explain to them the nature and effect of such renewal.

The said renewal shall be, as far as possible, in the same form as the original contract, and shall be registered at the office of the Superintendent.

Applications for Licenses.

8. Any person desirous of obtaining a license to introduce labourers shall make application therefor to the Superintendent, stating the number of labourers proposed to be introduced by him, and the mine or mines where they are intended to be employed.

Every application shall as nearly as possible be in the Form No. 2.

9. Every such application received by the Superintendent shall be forwarded by him to the Lieutenant-Governor, but no license shall be granted to the applicant unless and until the Superintendent certifies to the Lieutenant-Governor:

(1) that suitable accommodation for the housing of the labourers and suitable hospital accommodation and medical attendance at the mines where the labourers are to be employed will be ready on their arrival;

(2) that the bond and security mentioned in section *twenty-two* of the said Ordinance have been given by the applicant.

Licenses.

10. Every license to introduce labourers shall be in the Form No. 3 to these Regulations.

Transfer of Labourers.

11.—(1) Every agreement for the transfer of the services of a labourer shall be in the Form No. 4 to these Regulations, and shall after such transfer has been approved of by the Consul or Vice-Consul for the Chinese Government in this Colony (in case such appointment has been made) be signed by the transferor, the transferee, and the labourer in the presence of, and attested by, the Superintendent, who shall, before attestation, explain the full meaning and effect of such agreement to the labourer.

(2) No labourer shall leave the transferor's employment until the agreement for transfer, or a certified copy thereof, shall be registered at the office of the Superintendent.

(3) Every labourer whose services have been transferred shall, before entering the employment of the transferee deliver up to the Superintendent his passport, and the Superintendent shall thereupon issue to him another passport, on which shall be impressed the number given to the labourer in the register of the Superintendent, the name of the transferee, and of the mine or mines at which the labourer is to be employed.

(4) Such passport shall be issued without any fee for the unexpired portion of the period for which the passport delivered up by the labourer to the Superintendent held good.

12. The sanction of the Lieutenant-Governor to the transfer of the services of a labourer under section *eleven* of the said Ordinance shall be given in writing, but only on the production of:

(1) a certificate signed by the Superintendent that the agreement of transfer has been explained to the labourer, and that he consents thereto, and has signed the same; and

(2) the approval in writing to such transfer signed by the Consul or Vice-Consul for the Chinese Government in this Colony, if there be such an officer.

13. In the transfer of labourers, as far as may be possible, members of the same family and neighbours from the same village and persons who may agree in representing themselves to be friends and associates shall not be separated from each other.

Passage of Labourers to South Africa.

14. Every labourer who has signed a contract of service shall be carried from the port of embarkation in China or Hong Kong to the port of Durban, in Natal, in a ship whose Master holds a certificate from the official mentioned in Regulation No. 2 stationed at such port of embarkation.

Such certificate shall be granted in accordance with instructions issued to such official and published in the *Gazette*.

Arrival of Labourers at Durban.

15.—(1) On arrival of such ship at Durban, the said labourers, and their wives and children accompanying them, shall land and be medically examined in accordance with such Laws and Regulations as may be in force in Natal.

(2) The Superintendent, or any Inspector authorised by him, shall meet all labourers arriving at Durban, and make arrangements with the proper authorities for the conveyance of such labourers with their wives and children to the Witwatersrand District.

(3) No labourer arriving at Durban in a ship other than one whose Master has obtained the certificate mentioned in Regulation No. 14 shall be introduced into the Transvaal. Before any labourers are allowed to land, the Master of such ship must produce his certificate to such official as may be appointed to proceed on board and demand it.

(4) The Superintendent, or any Inspector authorised thereto by him, shall satisfy himself that every labourer arriving at Durban for introduction into the Transvaal signed his contract of service in accordance with the requirements of Regulation No. 3.

(5) If the Superintendent or Inspector is satisfied with regard to any labourer that his contract does not comply with the requirements of Regulation No. 3, and that, after understanding the said conditions and provisions as aforesaid, he is unwilling to proceed to the Transvaal under his contract, the said labourer with his wife and children (if any) shall be returned to the port at which he embarked, at the expense of his importer, and the Superintendent or Inspector, as the case may be, shall make the necessary arrangements for such return.

Vaccination.

16. Every labourer and every woman and child accompanying a labourer shall be vaccinated by a medical officer appointed by the emigration agent either before embarkation or during the voyage from such port to Durban, in accordance with the instructions issued to such agent and published in the *Gazette*.

No labourer, woman, or child shall be allowed to enter the Transvaal unless and until the said Medical Officer shall have certified in writing that this Regulation in respect of labourer, woman, or child has been complied with, and such certificate shall be given by the said Medical Officer to the Superintendent or some person acting for him at Durban.

Depot.

17.—(1) The Superintendent may establish at some convenient place within the Witwatersrand District a depôt under the control of the Superintendent to which all labourers on arrival in the Transvaal with their wives and children shall, if required by the Superintendent, be taken and kept until handed over to their employers.

(2) No labourer shall leave the said depôt until he is in possession of a passport and has complied with such requirements for the purposes of identification as the Superintendent may demand.

(3) Any labourer contravening this Regulation shall be liable to a fine not exceeding five pounds, and in default of payment to imprisonment for a period not exceeding one month.

(4) Any person who in any way aids or assists any labourer in leaving such depôt as aforesaid in contravention of this Regulation shall be liable to a fine not exceeding one hundred pounds, and in default of payment to imprisonment not exceeding twelve months, and (in case such person holds a license for the introduction of labourers) to forfeiture of his license.

Register kept by Importer.

18. The register required to be kept by the importer under section *sixteen* of the Labour Importation Ordinance shall be in the Form No. 5, and the monthly returns from such register made to the Superintendent shall be in the Form No. 6.

Register kept by Superintendent.

19. The Superintendent shall keep a general register of labourers, and shall insert therein the name of every labourer introduced under the said Ordinance, and shall in every year number each labourer by a particular number, proceeding by regular numerical progression, and shall distinguish therein under different heads the number, name, and age of every labourer, the surname of his father, and the village and district from which he has been imported, the name of the importer by whom such labourer was introduced, and of the person to whom the services of such labourer may have been transferred, the period for which such labourer is bound, the date from which such period commences, and such other particulars as may from time to time be given to the Superintendent under sections *sixteen* and *seventeen* of the said Ordinance.

Passports.

20. Every labourer shall carry a passport, which shall be issued to him by the Superintendent. The passport shall be a tin ticket, on which shall be clearly imprinted the registered number of the labourer, and the name of his employer.

There shall be paid by the employer on the issue or renewal of such passport a sum at the rate of *two shillings* for every month from the date of its issue or renewal until the 31st day of December of the year in which it was issued or renewed.

Care and Treatment of Labourers when Sick.

21. Every employer shall provide his labourers and their wives and children residing on his premises with medicine and medical attendance during illness, and any employer who neglects to do so shall for every such offence be liable to a penalty not exceeding fifty pounds and in default of payment to imprisonment for a period

not exceeding three months, and shall further be liable to pay any reasonable expense incurred by the Superintendent in providing such medicine and medical attendance.

Work.

22. Every employer shall be bound to give work to every labourer for six days in every week, except on the days mentioned in the next succeeding Regulation and on days when it is impossible for work to be done by reason of bad weather or other cause; and if any labourer willing and able to work has no work given to him to do on any working day he shall be entitled to his full day's working wages for every day so lost to him; provided always that by mutual consent one or more days' leave may be given and taken without wages.

23. Every labourer in the absence of any express agreement to the contrary, and except in the case of sickness or of such bad weather or such other good cause beyond his control as prevents his working, shall be bound to work in the service of his employer for ten hours in every twenty-four by day or night except Sundays, Christmas Days, and Good Fridays, and days of Chinese festivals specified in the contract.

Wages.

24. The wages of every labourer shall be paid monthly in current coin of the realm in accordance with his contract, and no payment of wages to a labourer shall be of any force or effect unless the same has been made as aforesaid.

25. No employer shall deduct any sum from the wages of a labourer in respect of moneys paid during his term of service save and except such sum as may have been advanced to the labourer before arrival in the Transvaal and certified to by the official before whom the contract of service is signed, unless such moneys have been paid with the consent in writing of an Inspector or Magistrate.

26. No employer of a labourer shall charge him with the payment of any moneys on account of stores supplied to such labourer, or deduct any sum in respect thereof from the wages due to him.

27. If the wages of a labourer are due, an Inspector may demand payment of the same from the employer; and if such wages remain unpaid for a period of fourteen days after demand has been so made the Inspector may sue for, and recover, the same on behalf of the labourer in any competent Court.

28. In the event of a labourer dying during his time of service the employer shall pay to the nearest Inspector, or to the Superintendent, the whole of the wages which would have been payable to such labourer up to the date of his death; and the Superintendent shall deal with such wages in manner provided by any law or regulations in force in this Colony relating to the administration of the estates of deceased persons.

Piece Work.

29. Any labourer instead of working for day wages may, if desired both by himself and his employer, do piece-work at such rate as may be mutually agreed upon between himself and his employer. Any labourer may make any bargain he pleases with his employer for working at any time extra hours.

30. Every employer shall provide and keep at such mine at which he employs labourers a book to be called a pay-book showing the daily earnings of such labourers. The pay-book shall be in such form as the Superintendent may require, and shall at all times be open for inspection by the Superintendent.

31. Any employer neglecting to keep such book as aforesaid shall be liable to a fine not exceeding one hundred pounds, and in default of payment to imprisonment for a period not exceeding six months.

Inspection of Labourers.

32. Every employer once in every year on receiving forty-eight hours' notice in writing, signed by the Superintendent, and also at all times on receiving a like notice signed by the Lieutenant-Governor, shall muster and produce before the

Superintendent or other officer named in such notice, at or near their respective places of employment, all labourers employed by him.

Any employer contravening this Regulation shall be liable to a fine not exceeding one hundred pounds, and in default of payment to imprisonment for a period not exceeding three months.

WOMEN AND CHILDREN.

33. Every labourer shall be entitled to be accompanied by his wife and children under the age of ten years at the expense of the importer; and every labourer who, after being introduced into this Colony, desires his wife and children under the age of ten years to join him in the Transvaal may, provided that before or at the signing of his contract such labourer shall have registered with the official before whom the contract is signed the names and residence of his wife and children and the respective ages of the children, require his employer to introduce them at his (the employer's) expense, and on the employer refusing to do so the labourer shall be entitled to terminate his contract and thereupon shall be returned to the port at which he embarked in pursuance of his contract at the expense of the importer.

34. In any case in which the services of a labourer are transferred by the importer to some other person who holds a license to import labourers, the wife and children of such labourer shall not be separated from him, but the transferee shall provide proper accommodation for such wife and children on the premises on which the labourer is employed, and shall be liable for the expense incurred in returning the wife and children of such labourer to the port at which they embarked in case such labourer dies while in the service of such transferee as aforesaid or any of the events happen during such service which render such labourer liable under the Ordinance to be returned to his country of origin.

Before such transfer is sanctioned by the Lieutenant-Governor the Superintendent shall certify that the transferee has complied with the conditions (1) and (2) in the next succeeding Regulation.

35. The wives and children of labourers shall not be introduced into the Transvaal except by a duly licensed importer, who shall before such introduction obtain a license therefor from the Lieutenant-Governor in the Form No. 11, but no such license shall be issued until the Superintendent certifies to the Lieutenant-Governor:

(1) that suitable accommodation for the housing of such wives and children on the premises on which the labourers to whom they belong are employed will be ready on their arrival;

(2) that a bond with proper security has been entered into by the importer for the return of such wives and children to the port at which they embarked in accordance with the provisions of the Ordinance.

36. Every importer shall keep a register of the wives and children of labourers residing on his premises in the Form No. 8, and shall enter therein all births and deaths occurring among them, and shall cause a return in the Form No. 9 to be made to the Superintendent once every month of the number of such women and children on his premises, and the number of births and deaths during the preceding month; and in the case of the death of any woman or child he shall forthwith forward to the Superintendent a medical certificate as to the cause of death.

Any contravention of this Regulation by the importer shall be punishable with a fine not exceeding one hundred pounds, and in default of payment to imprisonment for a period not exceeding six months.

37.—(1) The Superintendent shall issue to every woman introduced under the said Ordinance on her arrival a passport free of charge, which shall be in form similar to the passport issued to a labourer, and shall have imprinted thereon the registered number of the holder, the premises on which she resides, and the registered number of the labourer of whom she is the wife.

(2) Every woman shall be liable to the penalties imposed under sections *nineteen* and *twenty* of the said Ordinance for being without her passport, or being away

from the premises on which she resides without a permit granted to her by the owner of such premises, or by some person authorised thereto by the owner. Such permit shall authorise the woman to whom it is issued to be absent from such premises for a period not exceeding forty-eight hours from the time it was issued, and shall be in the Form No. 7.

(3) On the transfer of the services of any labourer, the wife of such labourer shall deliver up her passport to the Superintendent, who shall thereupon issue to her a new passport, having imprinted thereon the name of the transferee and the premises on which such woman is to reside.

(4) The provisions of section *twenty-eight* of the said Ordinance shall, *mutatis mutandis*, apply to every woman introduced thereunder.

RETURN OF LABOURERS TO CHINA.

38. Every labourer, on the expiration of his contract of service, or on the happening of any of the events which under the said Ordinance or under these Regulations render a labourer liable or entitled to be returned to his country of origin, shall, subject to such directions as the Superintendent may give, be sent to the depôt by his employer, and there kept at the expense of such employer until he can be returned through Durban, Natal, to the port at which he embarked.

39. Every labourer in being returned to China shall be returned only in a ship the Master of which is in possession of a certificate authorizing him to carry labourers.

40. The said certificate shall be issued by an official authorized thereto, and stationed at Durban, on the conditions, as far as possible, required for the granting of a certificate to the Master of a ship carrying labourers from China to Durban.

ACCESS OF LABOURER TO SUPERINTENDENT OR COURT OF LAW.

41. (1) Every labourer shall be entitled to a permit under section *nineteen* of the Ordinance in Form 7 to enable him to proceed to the office of the Superintendent for the purpose of making a complaint against his employer, or to enable him to have access to a Court of Law, in order to obtain redress for any injury to his person or property, or in order to attend as a party to, or witness in, any civil or criminal proceedings in such Court when duly summoned to do so.

(2) Any labourer obtaining a permit as aforesaid, and making a complaint which, in the opinion of the Superintendent to whom it is made, is frivolous shall be liable to be fined by the Superintendent to an amount not exceeding two pounds, which may be deducted from his wages and paid into the Colonial Treasury.

(3) Any employer refusing to give a labourer a permit for the purposes mentioned in sub-section (1) of this Regulation shall be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment for a period not exceeding one month.

INTERPRETATION OF TERMS.

42. In the above Regulations and in the said Ordinance the term "premises" shall include the mine at which the labourer is employed, and the whole of the land adjacent thereto held under mining title for purposes in connection therewith.

(FORM NO. 1.)

CONTRACT OF SERVICE.

It is this day agreed between A. B. acting for and on behalf of C. D. carrying on business within the Witwatersrand District Transvaal South Africa and the labourers who are signatories to this contract in the presence of E. F. Transvaal Emigration Agent at and representing the Government of the Transvaal as follows :—

The said labourer shall proceed at the expense of the said C. D. to the said Witwatersrand District and shall there work for the said C. D on any of the following mines

or for any person to whom the said C. D. may with the consent of the said labourers assign his rights under this contract in accordance with the provisions of the Labour Importation Ordinance 1904 and any Regulations made thereunder for a period of three years to commence from the date of the arrival of the said labourers in the Witwatersrand District subject to the following conditions :—

1. Each of the aforesaid labourers so long as he remains in the Transvaal shall be employed only in unskilled labour (meaning thereby such labour as is usually performed in mines in the Witwatersrand District by persons belonging to the aboriginal races or tribes of Africa south of the Equator) in the exploitation of minerals within the Witwatersrand District and in particular he shall not be employed in any of the trades or occupations following except for unskilled labour therein, to wit :—

Amalgamator.
Assayer.
Banksman.
Blacksmith.
Boilermaker.
Brass-finisher.
Brassmoulder.
Bricklayer.
Brickmaker Overseer.
Carpenter.
Clerk.
Coppersmith.
Cyanide Shiftsman.
Drill Sharpener.
Driver of Air or Steam Winch.
Driver of Mechanical or Electrical Machinery.
Electrician.
Enginedriver.
Engineer.
Fireman Overseer.
Fitter.
Ganger.
Ironmoulder.
Joiner.
Machine Rock Driller.
Machine Sawyer.
Machinist.
Mason.
Mechanic.
Miller.
Millwright.
Mine Carpenter.
Mine Storeman.
Miner Overseer.
Onsetter.
Overseer, in any capacity other than the management and control of labourers.
Painter.
Patternmaker.
Pipeman.
Plasterer.
Platelayer.
Plumber.
Pumpman.
Quarryman Overseer.
Rigger.
Sampler.
Signaller.
Skipman.
Stonecutter.
Timberman.
Time Keeper.
Tinsmith.
Turner.
Wire Splicer.
Woodworking Machinist.

2. Each of the said labourers shall for the period fixed in this contract only serve the said C. D. or any person who has obtained a license under the Labour Importation Ordinance to introduce labourers and to whom the rights of the said C. D. under this contract may have been duly transferred with the consent of such labourer.

3. Each of the said labourers shall on the determination of this contract by effluxion of time or otherwise be returned without delay at the expense of the said C. D. to (*here state port at which labourer embarked*).

4. Each of the said labourers shall so long as he remains in the Transvaal be subject to the provisions contained in the Labour Importation Ordinance and the Regulations made thereunder and more especially to such of the said provisions as are substantially set forth in the first schedule to this contract.

5. The labourers shall be paid at the rate of one shilling for each working day of ten hours, payable on the completion of every thirty days' work in the currency of the Transvaal to commence from the arrival of the labourers on the premises of the said C. D.

6. Any labourer instead of working for day wages may if desired both by himself and the said C. D. do piece work at such rate as may be mutually agreed upon between himself and the said C. D. ; but only the actual days employed on such piece work shall be reckoned in the period of service.

Any labourer employed at labour to which piece work is not applicable shall be paid for the work on which he is employed at the rates detailed in Chamber of Mines' Schedule of native pay May 1897 restored January 1903 which is as set forth in the second schedule to this contract.

If, however, within six months from the date of the said labourers' arrival in the Witwatersrand District the average pay of the labourers employed by the said C. D. under the said Ordinance does not equal fifty shillings for thirty working days the rate shall be increased from one shilling to one shilling and sixpence for each working day of ten hours.

7. The labourers shall be provided free of any charge with housing, water, fuel, medical attendance, and with daily rations, on the following scale :—

1½ lbs. of rice.
½ lb. dried or fresh fish or meat.
½ lb. vegetables.
½ oz. of tea.
½ oz. of nut oil.
salt.

or approved substitutes at discretion of Superintendent.

8. The said C. D. shall be bound to give work to each of the said labourers for six days in every week except on Sundays, Christmas Days, Good Fridays, and on the days of Chinese festivals mentioned in paragraph 16 and on days when it is impossible for work to be done by reason of bad weather or other cause ; and if any labourer willing and able to work has no work given to him to do

on any day not included in the aforesaid exceptions he shall be entitled to his full day's working wages for every day so lost to him; provided always that by mutual consent one or more days' leave may be given and taken without wages.

9. Each of the said labourers in the absence of any express agreement to the contrary and except in the case of sickness or of such bad weather or other good cause beyond his control as prevents his working shall be bound to work for ten hours in every twenty-four by day or night save on Sundays, Christmas Days, Good Fridays, and on the days of Chinese festivals mentioned in paragraph 16.

10. The said C. D. shall not make any deduction from the wages of any of the said labourers in respect of moneys paid to him during his term of service save and except such sum as has been advanced to such labourer by the said C. D. and set opposite his signature to this contract unless such moneys have been paid with the consent in writing of an Inspector or Magistrate.

11. There shall not be reckoned in any labourer's term of service any period of imprisonment, desertion or unlawful absence from work, nor shall any labourer be entitled to any wages for any day during which he has been absent from work through sickness or other cause.

12. Each labourer acknowledges to have received from the said C. D. an advance of the amount set opposite to his signature which shall be deducted by instalments from his pay at the rate of

13. In the event of any labourer being killed or permanently injured in the course of his employment compensation will be paid by the said C. D. to him or to his next-of-kin as the case may be at the following rates :—

In the case of death £10.
In the case of permanent total disablement £10.
In the case of permanent partial disablement £5.

14. Any labourer may at any time terminate this contract without assigning any reason on tendering to the said C. D. the expenses incurred in introducing him and his wife and children into the Transvaal together with a sum sufficient to defray the expenditure necessary in returning them to (*here state port at which labourer embarked*).

15. Every labourer shall be entitled to be accompanied by his wife and children under the age of ten years at the expense of the said C. D. and every labourer who after being introduced into this Colony desires his wife and children under the age of ten years to join him in the Transvaal may, provided that before or at the signing of his contract such labourer shall have registered with the official before whom this contract is signed the names and residence of his wife and children and the respective ages of the children, require the said C. D. to introduce them at his (the said C. D.'s) expense and on the said C. D. refusing to do so the labourer shall be entitled to terminate his contract and thereupon shall be returned to (*state port of embarkation*) in pursuance of his contract at the expense of the said C. D.; provided always that the wife and children of a labourer shall be maintained at his own expense after his arrival at the premises of the said C. D. where he is to be employed.

16. Sundays, Christmas Days, Good Fridays, and the following Chinese festivals shall be holidays :—

Chinese New Year	three days.
Dragon Boat Festival	one day.
Full Moon Festival	one day.
Winter Solstice...	one day.

17. With the consent of both parties thereto this contract may be on the expiration thereof renewed on the same terms and conditions as aforesaid for a further period or periods not exceeding in all three years.

18. Each of the aforesaid labourers undertakes to permit himself his wife and children if any accompanying him to be vaccinated either in the depôt in China or on board ship at the discretion of the Surgeon Superintendent.

(Signed) A. B. on behalf of C. D.

(*Each labourer must sign here his name or make his mark.*)

At on this the day of .

CERTIFICATE.

I, the undersigned, do hereby certify that the above contract was entered into in my presence and that I carefully explained to the labourers bound thereby in their own language and prior to their signing the said contract the provision thereof and of the schedules attached thereto.

I further certify that the said labourers voluntarily signed the said contract and I am not aware of any undue pressure or misrepresentation by which they were induced to sign.

I further certify that the amounts set opposite the respective signatures of the labourers were acknowledged by them in my presence to have been received by them.

(Signed)

(*Description of official position.*)

FIRST SCHEDULE TO CONTRACT.

No liquor mining trading general dealer's importer's hawker's or other license whatever shall be granted to any labourer or to any person on behalf of or as agent or trustee for any labourer; nor shall it be lawful for any labourer to acquire lease or hold either directly or indirectly any house land building or fixed property or any mynpacht claim stand or any right whatever to minerals or precious stones either in his own name or in the name of any person on behalf of or as agent or trustee for him.

Every labourer shall always carry a passport which his employer shall obtain for him from the Superintendent.

No labourer after being introduced into the Transvaal shall leave the premises on which he is employed without a permit signed by some person authorised thereto by his employer; and no such permit shall authorise the absence of the labourer to whom it is issued from the premises on which he is employed for more than forty-eight hours from the time it was issued; nor shall any such permit authorise the labourer to go outside the Witwatersrand District.

Any person leaving the premises on which he is employed without such permit or having received such permit remains absent from such premises more than forty-eight hours or goes outside the Witwatersrand District shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

(1) Any Inspector appointed under the Labour Importation Ordinance and any police officer may demand from a labourer the production of his passport and if he is absent from the premises on which he is employed the permit mentioned in the last preceding paragraph.

(2) Any labourer who fails to produce his passport or permit (in case he is absent from the premises on which he is employed) when asked to do so may be arrested and on conviction for being without such passport or permit as the case may be he shall be liable to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

(3) On payment of such fine or expiration of such sentence of imprisonment as may be imposed under the last preceding paragraph the labourer may be sent back to his employer and in case his employer cannot be found and he refuses to be engaged to any other person authorised to employ labourers imported under the Labour Importation Ordinance he may be forcibly sent back to China.

In reckoning the term of service for which a labourer is bound under his contract for the purpose of ascertaining when such term expires all periods shall be excluded during which the labourer has been absent from his work owing to any of the following causes:—

(*a*) imprisonment after conviction of any offence;
(*b*) desertion from service;
(*c*) unlawful absence from work duly certified as such by the Superintendent.

If a labourer who has contracted to serve in the Transvaal shall after his arrival there refuse without good and sufficient reason to proceed to the place where his service is to be performed or to perform such service he may in addition to any other penalty to which he may be liable be ordered to be returned to China.

In the case of every labourer who under the conditions of his contract or the provisions of the Labour Importation Ordinance is required to be returned to China the Superintendent shall take all necessary steps for his return at the expense of the importer; provided that where any labourer is ordered to be returned on account of any offence committed by him the importer shall be entitled to deduct the cost of so returning him from any wages then due to him.

(1) Any labourer liable to be returned to China who refuses to return may be arrested without warrant and brought before a Magistrate and shall upon conviction be liable to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding three months.

(2) If any labourer sentenced to pay a fine or suffer imprisonment under the last preceding paragraph shall after the payment of such fine or expiration of the term of imprisonment as the case may be refuse to return to China he may be forcibly sent back to such country by the Superintendent.

Any labourer who enters the Transvaal unless he previously enters into a contract of service shall be liable on conviction to the penalties mentioned in paragraph 4 of this schedule.

Any labourer who shall desert from the service of his importer or shall refuse to work for him when required to do so or who shall unlawfully absent himself from work or who shall perform any work or carry on any business other than that of unskilled labour in the exploitation of minerals or who shall enter the service of any person other than that of the person importing him or of the person to whom his contract has been lawfully transferred under the Labour Importation Ordinance shall be liable to a fine not exceeding twenty-five pounds and in default of payment to imprisonment for a period not exceeding two months.

Any labourer who shall have any interest whether as partner or otherwise in any trade or business shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding three months.

SECOND SCHEDULE TO CONTRACT.

SCHEDULE OF NATIVE WAGES.

MAY, 1897.—RESTORED JANUARY, 1903.

	s.	d.
MINE—		
Machine helpers	1	8
Hammer boys	1	6
Shovel boys	1	3
Tram boys (10 feet trucks)	1	2
Tram boys (16 feet trucks)	1	6
Dry shaft and winze boys	1	8
Wet shaft boys	2	0
Wet shaft boys (when developing only)	2	6
Boys cutting hitches for timber	1	6
Timber boys	1	2
Stope ganger's assistants	2	0
Station boys (where white man employed)	1	2
Station boys (where no white man employed)	2	6
Air hoist drivers	2	0
Pumpman's assistants	1	8
Platelayer's assistants	1	6
Pipeman's assistants	1	6
SURFACE—		
Stokers (12 hours)	2	6
Stokers (8 hours)	1	8
Engine cleaners	1	6
Sorting boys	2	0
Headgear boys (where white man employed)	1	4
Headgear boys (where no white man employed)	2	6

	s.	d.
MILL—		
Elevator boys	2	0
Vanner boys	2	0
Mill boys (12 hours)	2	0
Mill boys (8 hours)	1	4
Blanket and sluice boys	2	0
Crusher boys	1	4
Surface trammers	1	9
Mule drivers	2	6
CYANIDE—		
Solution shed boys	1	4
Boys (filling and discharging)	1	9
Zinc cutters	1	6
Tramming residues	1	4
GENERAL—		
Fitter's boys	1	6
Blacksmith's boys (strikers)	2	6
Blacksmith's boys (helpers)	1	4
Carpenter's boys	1	2
Mason's boys	1	4
Police	2	6
Compound cooks	2	0
Drill packers	1	0
Drill sorters	1	6
Surface labourers	1	2
Office and store boys	2	6
Assay office boys	2	6
Coal boys (off-loading)	1	6

(FORM No. 2.)

APPLICATION FOR A LICENSE.

I (*state full name and description of applicant*) do hereby apply for a license under the Labour Importation Ordinance 1904 authorising me to introduce (*state number proposed to be introduced*) labourers from China to be employed at the following mines :—

(*Here state the mines at which labourers are to be employed.*)

Dated this day of .

(*Applicant's signature.*)

The above application lodged with me this day of .

(*Signature of Superintendent.*)

(FORM No. 3.)

LICENSE TO INTRODUCE LABOURERS.

In pursuance of the provisions of the Labour Importation Ordinance 1904 I hereby authorise (*here give name and description of person to whom license is granted*) to introduce into the Witwatersrand District through the port of Durban, Natal (*state number of*) labourers from the port of (*state name of port of embarkation of labourers in China or Hong Kong*) to be carried to Durban in the ship (*state name of ship and of owner or charterer thereof*) to be employed in unskilled labour only in the exploitation of minerals at the following mines situated in the Witwatersrand District :—

(*Here state mines at which labourers are to be employed with the number of labourers if possible at each mine.*)

This license is granted on the terms and conditions of the Labour Importation Ordinance 1904 and any Regulations made thereunder and more particularly on the condition that the labourers to be introduced under this license shall be carried from the port in China or Hong Kong at which they embarked for Durban in a ship the Master of which holds a certificate granted by the Transvaal Emigration Agent at the port of embarkation under Regulation No. 14 of the Regulations issued under the said Ordinance.

This license may be cancelled and the holder thereof disqualified from again holding a license on breach by him of any of the conditions on which the license is issued.

Given under my hand and seal at this day of .

Lieutenant-Governor.

N.B.—This license is to be returned to the Superintendent when the number of labourers mentioned has been introduced.

(FORM No. 4.)

TRANSFER OF CONTRACTS.

We (*name and address of employer and names of labourers engaged with their registered numbers*) being respectively the employer and labourers under a contract of service made before (*name of official before whom contract was entered into*) at on the day of do hereby agree that all the rights and obligations of the employer under the said contract are hereby transferred as at the date hereof to (*name and address of transferee*) who hereby agrees to accept the said transfer and the contract hereby transferred with all its rights and obligations.

A.B. Signatures of transferor
C.D. transferee and
I. labourers.

The above transfer was signed by all the parties thereto, its nature and effect having been first fully explained to the labourers above-named by me.

At this day of 19 .

G.H.,
Superintendent of Labourers.

(FORM No. 5.)

IMPORTER'S GENERAL REGISTER kept under section *sixteen* of the Labour Importation Ordinance, 1904.

Name of Labourer.	Registered number.	Name of ship in which labourer arrived.	Date of contract.	Period of contract.	Date of arrival at premises of employer.	Date when due for return to China.	Transferred.		Date of Death.	Desertion.		Unlawful absences with dates.	Remarks.
							Employer to whom.	Date on which.		Date of.	Date of return from.		

(FORM No. 6.)

RETURN OF NUMBER OF LABOURERS introduced by or to A.B. during the month of 19 and transferred by under section *sixteen* of the Labour Importation Ordinance, 1904.

Names and registered numbers of labourers introduced during month.	Names and registered numbers of labourers transferred by A.B. to C.D. during month.	Names and registered numbers of labourers transferred to A.B. by C.D. during month.	Names and registered numbers of labourers who have deserted during month and not returned.	Names and registered numbers of labourers who have deserted and returned giving number of days in each case during which labourer was absent.	Names and registered numbers of labourers convicted of desertion during month and punishment in each case with date of conviction. Say whether fine paid or not.	Names and registered numbers of labourers unlawfully absent from work during month giving in each case the reason and length of absence.	Names and registered numbers of labourers who have died during the month.	Total number of labourers in employ of A.B. on last day of month.

(FORM No. 7.)

FORM OF PERMIT to be issued under section *nineteen* of the Labour Importation Ordinance.

(*Name of premises.*)

Permission is hereby granted to (*name and registered number of grantee*) for absence from (*name of premises on which grantee is employed or resides*) for a period of hours.

Signed

(*capacity of person signing.*)

Issued at o'clock
on the day of
19 .

(FORM No. 8.)

IMPORTER'S REGISTER of Wives and Children.

Registered Number.	Name of Wife.	Children.			Name of Husband.	Registered Number of Husband.	Remarks (including Births and Deaths.
		Name.	M. or F.	Age.			

(FORM No. 9.)

RETURN OF NUMBERS OF WIVES AND CHILDREN OF LABOURERS EMPLOYED ON PREMISES.

Return of number of wives and children on the premises of A.B. on the day of 19 .

Number of wives .
Number of children .
Number of births during month of .
Number of deaths during month of { Wives* / Children† }

(FORM No. 10.)

IMPORTER'S RETURN

kept under section *thirteen* of the Labour Importation Ordinance, 1904.

Labourers introduced by A.B.

1. Total number of labourers
2. Places at which such labourers are to be employed

(FORM No. 11.)

LICENSE TO INTRODUCE WIVES AND CHILDREN OF LABOURERS.

In pursuance of the provisions of the Labour Importation Ordinance 1904 I hereby authorize (*here give name and description of person to whom license is granted*) to introduce into the Witwatersrand District through the port of Durban Natal (*state number*) women and (*state*

* Names and registered numbers.

† Names and registered numbers.

number) children, being the wives and children under the age of ten years of labourers for the introduction of whom a license has been duly issued under the said Ordinance.

The aforesaid women and children are to reside at the following mines :—

(*here state mines with the number of women and children at each.*)

This license is granted on the terms and conditions of the Labour Importation Ordinance 1904 and any Regulations made thereunder and more particularly on the condition that the women and children to be introduced under this license shall be carried from the port in China or Hong Kong at which they embarked for Durban in a ship the Master of which holds a certificate granted by the Transvaal Emigration Agent at the port of embarkation under Regulation No. 14 of the Regulations issued under this Ordinance.

This license may be cancelled and the holder thereof disqualified from again holding a license on breach by him of the conditions on which the license is issued.

GIVEN under my hand and seal at
this day of

Lieutenant-Governor.

N.B.—This license is to be returned to the Superintendent when the number mentioned of wives and children of labourers has been introduced.

Government Notice No. 778 of 1904.

Instructions issued to Transvaal Emigration Agents in China.

The following instructions issued by His Excellency the Lieutenant-Governor to Transvaal Emigration Agents in China in connection with the Labour Importation Ordinance, 1904, are published for general information, in accordance with the Regulations made under the said Ordinance.

By Command of His Excellency the Lieutenant-Governor.

W. Evans,
Superintendent of Foreign Labourers.

Foreign Labour Department, Johannesburg,
May 30, 1904.

Instructions issued by the Lieutenant-Governor to Transvaal Emigration Agents in China.

Recruiters.

1. You will issue licenses only to fit and proper persons, such licenses to be revoked at your pleasure if you are satisfied that improper means of recruiting are used.

Each recruiter will be photographed in duplicate. One copy will be attached to the license and one copy will be kept in your office.

A fee of ten dollars will be charged by you for every licence issued.

You will together with Chinese Inspector make known by proclamation and by means of Native Press, text of the contract and any particulars in regard to which the Chinese Inspector considers it essential that the emigrant should be informed concerning the Transvaal and its laws.

Depot.

2. You will, after conferring with Chinese Inspector, acquire suitable premises to be used as an Emigration Agency for your work, and for the accommodation of Chinese Inspector and his staff, and as a depôt for the reception of intending labourers.

Depôt watchmen, clerks, &c., will be engaged by you as required.

A fee of one dollar, together with a sum sufficient to cover the expenses of residence in the depôt, will be paid to you by the recruiter for every intending labourer brought to the depôt. A medical certificate must be brought with each labourer, and filed in your office.

The contract will then be roughly explained to the labourer by you or in your presence, and on his accepting the same he will be admitted to the depôt.

No intending labourer shall be accepted by you or admitted into the depôt who is apparently under 20 years of age unless he shall produce proof of his having obtained the consent to his emigration of his parents, or other lawful guardians, or in default of these of the Magistrate of the district to which he belongs.

Each intending labourer will remain in the depôt for at least 48 hours, unless at any time previous he expresses a desire not to sign the contract, when he will be at once released. During this 48 hours he must have every opportunity of studying the terms of the contract with the schedules attached thereto, and discussing it with you or your officers. Copies, in Chinese, of the contract and schedules should be freely distributed amongst the men in the depôt, and posted in conspicuous places. They should then be asked *individually* if they wish to proceed to South Africa. The contracts should then be prepared and in your presence carefully explained to the labourers, who will sign or make their marks in your presence, and thereupon you will sign the certificate required by section 8 of the Labour Importation Ordinance. Advances will be certified to by you if you are satisfied that they have been duly made.

No recruiter or outside person should have access to the labourers while in the depôt except with your express approval and in your presence.

Before the sailing of the ship, each labourer shall be carefully examined by the Surgeon-Superintendent of the ship and once more paraded before you and the Chinese Inspector or his delegate, and questioned with a view to ascertaining his perfect understanding of the contract.

In the event of a man declining to sign the contract, and being sent away from the depôt, you should not, as a rule, accept him again as an intending labourer.

Contract.

3. The contract in its original form will be signed in duplicate before you and the Chinese Inspector, one copy to be handed to the employer's agent and one copy to be forwarded to the Superintendent in charge of the Master of the ship in which the labourers sail. A draft copy will be filed in your office and a register of such contracts will be kept by you.

Do not number the contracts. The Superintendent will number them on arrival here and send the numbers to you for record. This is in order to avoid confusion here if contracts are signed before more than one official in China.

A certified copy of the contract, in Chinese, will be given to each labourer.

No contract will be signed by you except as set out in Instruction No. 2 above.

No contract will be considered definite or irrevocable until after the embarkation of the labourer.

No person will be allowed to sign a contract as agent for any employer in the Transvaal until the Superintendent has notified you of the execution of the necessary power of attorney.

Shipping.

4. The Master of every ship in which labourers are to be carried to South Africa must hold a license from you. A fee of 500 dollars will be charged by you for such license, which will remain in force for one round trip only.

You will only grant such licenses if :

(*i.*) the ship and its appointments are in every way equal to the requirements of the Emigration Act, 1883, of India, with Rules thereunder as far as made applicable by Schedule to the Convention of . . . . ;

(*ii.*) you approve of the charter party, which will be submitted to you by the employer's agent, which must provide for the payment of passage money and gratuities only on certificate of Surgeon-Superintendent that labourers have been treated in accordance with agreement; and

(*iii.*) suitable modern appliances are provided for the destruction of rats on board.

You must not in any circumstances permit labourers to embark on a ship which does not hold your license, as they will not be permitted to land in South Africa.

A Surgeon-Superintendent (who must be a British subject and a qualified medical practitioner) must accompany the labourers on each ship. He will be appointed by you.

You will see that the labourers proceed direct from the depôt to the ship. After signing the contract, they may, if necessary, be accommodated in the depôt pending the ship's departure. They must not be allowed to go elsewhere, except with your express permission.

The Surgeon-Superintendent will be instructed to grant a certificate to the Master of the ship on the completion of the voyage if the charter party has been duly fulfilled. In the absence of such certificate you will not grant a license for any further voyages under such Master.

Vaccination.

5. As this is insisted upon before entry into the Transvaal, all labourers, women and children must be vaccinated either in the depôt or on the voyage, and this you should arrange with the Surgeon-Superintendent. A formal certificate must be given in each case, or for each batch of persons so vaccinated, and this certificate should be handed to the Superintendent with the contracts.

Identification.

6. A *good* photograph, with name (in English and Chinese), age, marks of identification (scars, blemishes, &c.), endorsed on the back, should be obtained for each labourer and forwarded to the Superintendent with the contract. You will, of course, keep a copy in your office.

Addresses.

7. You will carefully record in English and Chinese the names and addresses of the parents, wives, and children of each labourer, and, in the case of children, the sex and date of birth. One copy will be forwarded to the Superintendent as soon as convenient, and one copy kept in your office.

In the case of remittances to China, the Superintendent proposes to remit to you, and you will arrange to forward the money to its destination. If, however, local Chinese traders undertake the business the Superintendent will not interfere.

Wages.

8. Labourers will be paid in sterling. Advances, which will naturally be in dollars, will be converted by you at the rate of the day, and so entered in the contract thus: £2 (twenty dollars at two shillings). The deductions will be in sterling.

You should explain to the labourers possible fluctuations of exchange.

Accounts.

9. You should open an account with the Hong Kong and Shanghai Banking Corporation, and pay into it all moneys sent you from time to time by the Government of the Transvaal, and all fees received by you, and pay from it all charges, including you own salary.

You will forward to the Government of the Transvaal a quarterly statement of accounts, with receipts and vouchers where practicable, and as soon as possible estimates of your receipts and expenditure.

10. A fee of three Mexican dollars per head for any number of labourers not exceeding ten thousand, and two dollars per head for any number in excess thereof, will be paid by the employer's agent into the Customs Bank previously to the clearing of the ship, but no payment shall be made to the Chinese Inspector or other Chinese official.

No. 7.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received July 16, 1904.)

Governor's Office, Johannesburg, June 27, 1904.

SIR,

I HAVE the honour to enclose, for your information, a copy of a letter from the Secretary for Native Affairs on the subject of the mortality among natives from British Central Africa recruited for service on the Mines.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 7.

The PRIVATE SECRETARY to
His Excellency the Lieutenant-Governor, June 18, 1904.

WITH reference to the Secretary of State's telegram to His Excellency the Governor, No. 2 of the 13th instant, I submit a statement showing the mortality among natives from British Central Africa, recruited for service on mines in the Transvaal. It will be seen that the death rate from disease among these natives during the period, 1st January to 31st May, 1904, averages 81·2.

2. In Johannesburg and Krugersdorp Districts the death-rate is 42·40 and 29·63 per thousand per annum respectively, the latter being considerably below normal. In Boksburg District the death-rate is 73·39, while in Germiston it amounts to 246·73.

3. In this district, in which the death-rate is highest, eight out of the eleven deaths were due to pneumonia, one to dysentery and two to suspected plague. Excluding the plague cases the rate would still be high. These natives arrived several months later than those who were drafted to the other districts.

4. In the three districts, Johannesburg, Krugersdorp and Boksburg, in which British Central African Natives have been longest resident, the death-rate per annum for the period averages 55·57. The District Controller at Germiston reports that these natives on arrival appeared to be of poor physique compared with natives of other tribes.

5. In Boksburg District, where the death-rate is 73·39, six of the ten deaths which have occurred during the period were due to pulmonary complaints, two to cardiac diseases, and two to other causes. It will be noted that only 60 per cent. of the deaths in this district were due to pneumonia or kindred diseases as against 72·7 per cent. in Germiston District.

6. The total number in hospital on the 31st ultimo was 30—less than 5 per cent. of those employed—nine of them were under treatment for pulmonary complaints, sixteen for other diseases, two for slight ailments, and three were surgical cases.

7. The natives are well cared for, and every precaution is taken to guard against sickness due to change of climate and of conditions generally. They are satisfied with their treatment, and it is noteworthy that since the first lot arrived in June, 1903, not one has deserted.

8. Since the date of the last report on these natives (23rd March) none have returned home, the number employed on the 31st ultimo being 662.

9. A report by Dr. Sansom, District Medical Officer of Health for the Witwatersrand, upon the Glen Deep and Rose Deep Compounds, which he was specially directed to inspect on account of the high rate of mortality on those mines, is forwarded herewith.

W. WINDHAM,
Secretary for Native Affairs.

Public Health Department,
P. O. Box 5382, Johannesburg, June 17, 1904.

SIR,

I VISITED the Glen Deep Compound this morning and inspected the British Central African boys employed there and find them in good health, their quarters

satisfactory and the food (which was being cooked at the time) good. I think the meat ration might be increased to 21 lbs. per week at least. Three boys were in hospital and being well cared for.

I find two natives died in April from pneumonia and one in May from meningitis, all these were underground workers. The temperature underground is considerably higher than the surface and although a change house (where hot coffee is cooked and served out) is placed at the shaft mouth the natives are careless when coming up from work heated and perspiring and do not put on the thick clothing provided for them. I urged the Compound Manager to place a police guard at the exit of the change house to turn back those not properly clad, and was promised that this should be done. I next visited the Rose Deep Compound. Again I have to report that the quarters are satisfactory, and the food good, but would like to see the meat ration increased to 21 lbs. During the month of April and May three boys have died, two after removal to the Lazaretto, being suspected plague cases, and the other died from chronic heart disease, which was discovered in the month of February. I urged the Compound Manager to guard against the carelessness of the natives in regard to clothing themselves on emerging from the shaft. This number of deaths amongst 107 natives (decreased by ten who have gone home recruiting) is considerable ; but I do not find there has been any carelessness on the part of the managers to account for it. I hope that if these natives are made to take more care of themselves the mortality will be smaller ; but, as I have already pointed out, mining is not a "healthy trade," and natives accustomed all their lives to do the lightest possible work in the open air in a warm climate certainly feel the effects of spending many hours underground and exposure to cold conditions on the surface, and, unfortunately, when these natives contract illness they become so very depressed and hopeless, which naturally tends to aggravate their condition and lessen the chances of recovery. The British Central African natives I saw in the compounds were well nourished, and I hear they work well.

I have, &c.,

CHARLES LANE SANSOM,

D. M. O. H., Witwatersrand.

To the Commissioner for Native Affairs,

Johannesburg.

RETURN OF BRITISH CENTRAL AFRICAN NATIVES.

1st January to 31st May, 1904.

District.	No. working on Jan. 1, 1904.	Died.	Deaths from Accident.	Deserted.	Returned Home.	Remaining on 31/5/04.	Death Rate per 1,000 per annum.
Johannesburg ...	283	5	18	—	58	202	42·40 excluding accidents, 195·05 including accidents.
Krugersdorp ...	81	1	—	—	13	67	29·63.
Boksburg ...	327	10	—	—	10	307	73·39.
Germiston ...	107	11	—	—	10	86	246·73.
Total ...	798	27	18	—	91	662	81·20 excluding accidents, 135·34 including accidents.

No. 8.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received July 16, 1904.)

SIR, Governor's Office, Johannesburg, June 27, 1904.

WITH reference to my despatch of the 13th instant,* I have the honour to transmit

* No. 22 in [Cd. 2104].

to you a comparative statement of the mortality of natives employed in Labour Districts of the Transvaal for the first five months of this year and last year.

The death-rate for this year continues to show a very great improvement on that for 1903.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 8.

COMPARATIVE STATEMENT OF MORTALITY AMONGST NATIVES EMPLOYED IN LABOUR DISTRICTS.

January to May, 1903 and 1904.

Month.	Number of Natives Employed.		No. of Deaths from Disease.		Death Rate per 1,000 per annum from Disease.		No. of Deaths from Accident.		Death Rate per 1000 per annum from Accident.		Total No. of Deaths.		Total Death Rate per 1,000 per annum.	
	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.
January	49,761	79,161	240	370	57·88	56·09	13	19	3·13	2·88	253	389	61·01	58·96
February	55,288	80,365	197	223	42·76	33·30	10	22	2·17	3·29	207	245	44·93	36·58
March...	57,022	83,904	217	223	45·67	31·89	18	31	3·79	4·43	235	254	49·45	36·33
April	62,265	85,400	257	168	49·53	23 61	12	59	2·31	8·29	269	227	51·84	31·90
May	65,371	85,994	409	289	75·08	40·33	22	24	4·04	3·35	431	313	79·12	43·68
Average	57,941·4	82,964·8	264	254·6	54·68	36·83	15	31	3·11	4·49	279	285·6	57·78	41.31

Johannesburg,
24th June, 1904.

S. M. PRITCHARD,
Pass Commissioner.

No. 9.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received July 16, 1904.)

SIR,

Governor's Office, Johannesburg, June 27, 1904.

IN reply to your enquiries contained in despatch dated the 13th May, 1904,* I have the honour to inform you as follows:—

Safety fuse.

1. Regulations concerning safety fuse were issued on the 26th October, 1903, a copy of which is attached.

2. These Regulations were framed both with the object of preventing blasting accidents, and of ensuring perfect detonation of the explosive charge. The regulations provide for tests of all fuse imported, and thereby ensure the employment of only a good quality of fuse, and the elimination of fuse of an inferior make.

3. Inspections are also made by the Mines Department from time to time wherever safety fuse is in use, in order to detect any deterioration which may be due to bad storage.

4. Apart from danger to life, due to what is known as "hanging fire," or to the converse, "premature ignition of the charge," which is caused by lateral communication of sparks through inferior covering, it was considered by the Phthisis Commissioners that an undue proportion of noxious gases was created when imperfect explosion took place as a result of the use of inferior fuse.

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* Printed at page 12 of [H. C. 205] 1904.

5. With regard to the use of water injectors, the Chamber of Mines in 1902 offered valuable prizes for the best devices for the prevention of dust during drilling operations underground. Water injectors.

6. The decision of the judges was made known at the beginning of this year, and the first prize was given to a mechanical device for spraying water, known as Britten's Atomiser.

7. It is claimed for this device that it is efficacious in laying the dust in the drive, absorbs a certain proportion of nitrous fumes contained in the gases after blasting, and assists local ventilation. With the admixture of a little lime in the water, a portion of the carbonic acid, resulting from blasting, can also be absorbed. While simple and cheap in construction, it, on the other hand, involves a separate mechanism, requiring extra attention from the miners. It also involves a super-saturated atmosphere, which may be considered a disadvantage for those working in the drive, and it absolutely necessitates a supply of pure water underground, which in some cases might be very costly.

8. The second prize was awarded to the Leyner Drill Company, who have devised a method by which a jet of water is ejected from the point of the drill, and the dust is thus converted into mud at the time of its formation in the drill hole.

9. These dust-laying devices have been found most beneficial in practical use, especially in the case of the Atomiser. The water drill is not, as yet, so perfect in practice, but is has the advantage of not saturating the air with moisture. Very long distances have been driven in one instance, at the Langlaagte Deep, by the use of the Britten Spray.

10. Unfortunately, however, both miners and contractors employed underground, as yet, in many cases, fail to appreciate the benefits of using these water sprays, and owing to the extra trouble involved in their use, they are not, at present, regarded favourably by the men—a fact which is corroborated by mine managers throughout the Rand.

11. The question of taking legislative action to make compulsory the use of some form of dust-laying device has been postponed until the receipt of the report of the Phthisis Commission which has been sitting in England.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 9.

REGULATIONS CONCERNING SAFETY FUSE.

The following is an extract from the "Government Gazette" of October 30, 1903, and is reprinted for the information of Importers of Safety Fuse and others.

GOVERNMENT NOTICE, No. 1230 OF 1903.

His Excellency the LIEUTENANT-GOVERNOR under and by virtue of section 3 (*b*) of Ordinance No. 4 of 1903 has been pleased to frame the following Regulations concerning the importation, removal and storage of Safety Fuse.

By Command of His Excellency the Lieutenant-Governor.

W. WYBERGH,
Commissioner of Mines.

Office of the Commissioner of Mines,
Johannesburg, October 26, 1903.

REGULATIONS CONCERNING SAFETY FUSE.

Definition.

1. The term "Safety Fuse" means a fuse for blasting which burns and does not explode and which does not contain its own means of ignition and which is of such strength and construction and contains an explosive in such quantity that the burning of such fuse will not communicate laterally with other like fuse.

Importation.

2. Safety Fuse may only be imported in virtue of an importation permit signed by an Inspector of Explosives.

Rate of burning to be marked on case.

3. Every case and every packet of Safety Fuse imported in terms of the preceding Regulation must be marked with the name or registered trade mark of the manufacturer and the guaranteed rate of burning in seconds per yard.

Every case will also be marked with the name of the country in which the fuse has been manufactured thus :—"Made in England."

Samples.

4. The Inspectors of Explosives are authorised to take samples of fuse imported into or transported or stored within the Colony and to submit the same to all or any of the tests mentioned in Regulation 7.

Deviation permitted.

5. In the tests specified below a deviation of 10 per cent. over or under the guaranteed rate of burning per yard will be permitted and the fuse must burn uniformly throughout its length.

Quality of material and ingredients.

6. The fuse may be opened and the various materials examined to ascertain that they are of good quality.

Tests.

7. (*a*) A piece of fuse 4 yards long shall be immersed in water except for 6 inches at either end and subjected to a pressure of 10 pounds per square inch for 20 minutes when one end of the coil shall be ignited;

(*b*) A piece of fuse 2 yards long shall be pressed flat in a vice fitted with wooden jaws and burnt while so compressed;

(*c*) Pieces of fuse 2 yards long taken from different coils shall be bound together at one end and those ends ignited simultaneously the difference in the time of burning of any two of them must not exceed in seconds one-half of the total deviation allowed under Article 5 of these Regulations (*e.g.*, in the case of fuse burning at the rate of 90 seconds per yard a difference in time of 18 seconds would be allowed in the two yards test);

(*d*) A piece of fuse 2 yards long will be folded up and thrust into a piece of iron piping $1\frac{1}{2}$ inches in diameter and burnt both in the open and under water (the former to test for lateral communication the latter to test the water-proofing);

(*e*) The flash from the end of a piece of fuse shall be such as to ignite another piece of fuse at a distance of 1 inch (for the purposes of this test a short length of fuse will be inserted into either end of a piece of glass tubing and one length will be ignited. The flash must ignite the other length of fuse).

Penalties.

8. Safety Fuse which fails to comply with the foregoing tests will be liable to forfeiture and Inspectors of Explosives are authorised to confiscate such fuse.

9. Any person who shall import store or transport Safety Fuse in contravention of these Regulations shall on conviction be liable to a fine not exceeding £20 or in default to imprisonment with or without hard labour for a period not exceeding two months.

10. These Regulations shall take effect six months after the date of publication in the "Government Gazette."

No. 10.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 5.40 p.m., July 21, 1904.)

TELEGRAM.

July 21. No. 1. With reference to statements which I still see are being made at home that Chinese displace white labour following are facts as regards the only mine on which Chinese are yet employed. Number of white labourers working March, 1899, 133. Number working before arrival of Chinese in May, 1904, 34. Number working now, 96. Number who will be employed when Chinese thoroughly familiar with work and mine running all its stamps, 143. No white labourers have been dismissed. But for arrival of Chinese the 34 men employed in May last would have had to be still further reduced.

I will send to you particulars from time to time as experiment develops. It is, of course, absolutely certain that number of white employees will increase as Chinese come in.

No. 11.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 4.3 p.m., July 21, 1904.)

TELEGRAM.

July 21. No. 2. In continuation of my telegram of to-day, No. 1.* Number of whites employed on gold mines on Rand for March last: producing mines, 9,709; non-producing, 2,282. For June: producing, 10,229; non-producing, 2,501. The increase is considerable.

No. 12.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received 7.50 p.m., July 22, 1904.)

TELEGRAM.

July 22. No. 2. My despatch of 27th June.† Death-rate per thousand natives employed in labour districts of Transvaal in June was 36.22 from disease and 40.55 from all causes. Corresponding figures for June, 1903, were 60.10 and 63.16 respectively.

No. 13.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received July 23, 1904.)

SIR, Governor's Office, Johannesburg, July 4, 1904.

I HAVE the honour to transmit to you a copy of the report of the Superintendent

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* No. 10. † No. 8.

of Foreign Labour on the arrival, in this country, of the first batch of labourers imported under the Convention recently concluded between Great Britain and China.

I enclose also a series of extracts from the local newspapers* on the subject, and some photographs† taken on the occasion of the arrival of the first train-load at the East Rand.

It is early yet to make any definite pronouncement as to the success of the first experiment, but it is regarded as highly satisfactory by the mine officials and managers. The men are apparently keen to become efficient miners, and show neither fear nor dislike of working underground. They were thoroughly familiar before arrival with the terms of the contract, &c., and there seems to be no doubt that they are very well able to look after their own interests.

The outbreak of Beri-beri, as to which I am sending you a separate report, is unfortunate, but is not regarded here with any great anxiety either by the Medical Officers or by the labourers themselves. It seems to be clear at any rate that neither their treatment and feeding in the mines nor the climate of the Rand have been responsible for it. I am informed by my Medical Advisers that many of the cases which have been reported since arrival must in reality have been of long standing. The remedy appears to be a more stringent medical inspection both at the port of embarkation and at Durban, and arrangements have been made to secure this in the case of future shipments.

In all other respects the health of the coolies is, in view of their long detention in the depôt before sailing, most surprisingly good. Excluding Beri-beri there have only been three or four cases so far of slight ailments. The one death which has occurred was due to heart failure. Every possible effort has been made by the mining houses and their managers to provide suitable food and accommodation, and the coolies have expressed themselves as being thoroughly satisfied.

There has been no disturbance or hostile criticism of any sort in connection with the arrival of this batch of labourers. I am informed that there is an appreciable increase in the number of Kaffirs re-engaging for further periods of service in the mines, but they have shown no ill-feeling towards the new-comers. The white miners appear to have received them with the utmost satisfaction.

It is, of course, needless to add that no permanent economic results are to be expected from one, or even several, shipments of this size. But I consider that the experiment has so far been sufficiently satisfactory to justify our making every effort to secure a steady stream of indentured labourers from the same source.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 13.

REPORT.

Arrival of Chinese Labourers.

The S.S. "Tweeddale," 2,800 tons, Captain Milne, arrived at Durban at 3 a.m. on the 18th instant, having left Hong Kong at daylight on the 25th May. She had no bad weather on the voyage.

One thousand and fifty-four labourers were put on board at Hong Kong, two absconded before leaving, three died on the voyage, and the ship arrived here with 1,049 men.

The Surgeon Superintendent is Dr. Hall Wright, his assistant being a Chinese who holds a license from the Hong Kong College of Medicine.

The three deaths were from Beri-beri of which there have been some 40 cases.

On the arrival of the ship she was boarded at the outer anchorage by the Port

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* Not printed.

† Not reproduced.

Health Officer and my Boarding Officer, and on the return of the Health Officer I went aboard myself with some of the representatives of the Mines Labour Importation Agency.

I went all over the ship with the Surgeon Superintendent, and spoke to many of the men. They all seemed cheerful and eager to get up to the mines and begin work.

Owing to the bad weather outside I obtained permission from the Port Authorities to bring the ship in and moor her in the Bay. Police were posted on board to prevent any communication with the shore.

At daylight on Monday, 20th instant, she was taken alongside the wharf at the Bluff, and as soon as possible my staff took charge of the decks, and made the best possible arrangements for carrying out their work on board, as the depôt was not yet ready.

During the three days, Monday, Tuesday, Wednesday, the 1,049 men were checked, their contracts were registered, their passports were issued to them, their marks of identification, including finger prints, were taken, and they were each photographed. The Surgeon Superintendent, or his Assistant, was present during the whole of the work, and all those who had passed through his hands for Beri-beri were ordered to stand down for further examination.

Finally, out of the 1,049 who arrived 1,006 were passed as fit, three died while the ship was at the wharf, and 40, who were suffering from Beri-beri, were sent back to China by the same ship.

On Tuesday, the 21st instant, 299 men, who had been passed and registered on Monday, were entrained, and left for Johannesburg at 8.15 a.m., arriving at their destination, East Rand, at 12 noon on the 22nd instant. They travelled in a train specially set apart for this purpose, composed of ordinary 3rd class carriages with the centre compartment closed in and arranged with sanitary conveniences. Electric light and drinking water were provided for each carriage.

On Wednesday 360 men were sent off at the same hour, and on Thursday 347.

A conductor accompanied each train, and I myself went up with the last train.

The rationing of the men on the journey was done by contract, the contractor being the present Railway Department Contractor. Meals were served at Pietermaritzburg (1 p.m.), Estcourt (6.30 p.m.), and Standerton (6.30 a.m.). The rice and rations were served in tin cans and dishes holding sufficient for eight men, and one of each was passed into each compartment, the men carrying their own rice bowls and chopsticks. The food was of excellent quality, sufficient and nicely served.

No disturbance occurred either while the ship was at the wharf or during the train journey, and the arrangements made by the Railway and Police Authorities were perfectly carried out.

On the arrival of the third train with the last of the Chinese I went all over the Compound of the New Comet Mine, to which they are allocated, and found that the earlier comers had settled in quite comfortably. A meal was being served, and I conversed with several who had been already underground. They said the work was hard, but they could manage it.

On the whole I am of opinion that this first trial has been successful.

W. Evans,
Superintendent.

Foreign Labour Department,
Johannesburg,
June 27, 1904.

No. 14.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received July 23, 1904.)

SIR, Governor's Office, Johannesburg, July 4, 1904.

WITH reference to my telegram of the 30th June, No. 4,* I have the honour to transmit to you a copy of a report by Dr. Sansom, the District Medical Officer of Health, on the outbreak of Beri-beri amongst the first batch of Chinese labourers which arrived by the "Tweeddale."

I have, &c.,
MILNER,
Governor.

Enclosure in No. 14.

DR. SANSOM to HIGH COMMISSIONER.

Public Health Department, P.O. Box, 5382, Johannesburg,
YOUR EXCELLENCY, June 30, 1904.

ON the receipt of your instructions I proceeded to East Rand and inspected the Chinese reported to be suffering from Beri-beri.

I found that 33 men were isolated in a house surrounded by a piece of fenced-in ground under the care of a Chinese doctor receiving instructions from Dr. Harris, who visits these men two or three times a day. I examined every patient, and with the exception of two slight cases all showed well marked symptoms of Beri-beri. The groups can be roughly divided into two classes. A, those suffering from the "wet disease," as those who are constantly brought in contact with it have named it, and B, those affected with the dry Beri-beri. In the class A œdema of the limbs is well-marked, and the gums in every instance were swollen and spongey.

In the class B no swelling is noticed, but there is shrinking of the muscles of the leg, curious staggering gait, weak grip, and in this group the gums were not so noticeably spongey, in fact in six cases they were healthy. All the patients suffer from feeble heart's action, and the so-called "dry cases" become "wet cases" in a great many instances. The isolation compound is situated in a dry, healthy, spot, and is being rapidly enlarged, and although the disease is not reputed to be communicable from person to person, I think it is wiser to isolate Beri-beri cases, but I recommend that scrupulous cleanliness be observed, and regular disinfection of clothing and quarters be carried out. I also think it would be wise to clear off the top layer of soil from time to time, destroy it, and replace with fresh soil. I may mention that Dr. Harris has had considerable experience in Beri-beri, and is ready to do anything suggested to him. The men are being well nourished.

I have, &c.,
CHARLES LANE SANSOM,
D.M.O.—Witwatersrand.

To the High Commissioner,
Johannesburg.

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* No. 20 in [Cd. 2104].

No. 15.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received July 23, 1904.)

SIR, Governor's Office, Johannesburg, July 4, 1904.

WITH reference to your telegram of the 21st June, No. 1,* I have the honour to enclose such statistics as I have been able to collect on the subject of the mortality of white miners on the Rand.

You will observe that the first enclosure gives the numbers and rate of mortality from accident for each month of 1903 and the first five months of 1904, while the second gives the same information with regard to deaths from disease, but only for the current year.

I regret that, owing to the difficulty of bringing together the statistics of different Departments and different States, it has not been found possible to furnish a comparative statement of the whole of the figures required by the House of Commons.

I have, &c.,
MILNER,
Governor.

Enclosure 1 in No. 15.

SECRETARY TO THE MINES DEPARTMENT, Johannesburg, to PRIVATE SECRETARY TO HIGH COMMISSIONER.

(C.M. 1536/04.)

The Private Secretary
to His Excellency
the High Commissioner,

I HAVE the honour to forward, herewith, return (1) (a) asked for by the Secretary of State in despatch 4th March, under an Order of the House of Commons, showing the number employed, and number of deaths and rate of death per thousand, of white employees on the Witwatersrand mines due to accidents during the twelve months ended December, 1903, and the five months ended May, 1904.

2. With regard to (1) (b), asked for in the same despatch, I have to inform you that this Department has no returns made to it from which deaths among white employees due to causes other than accidents can be estimated.

3. I have, however, asked the Medical Officer for Health for the Witwatersrand, who has the available information on this subject, to furnish you with the return called for direct, with as little delay as possible.

H. WARRINGTON SMYTH,
Secretary to the Mines Department.

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* Not printed ; it asked for the statistics furnished in this despatch.

MORTALITY AMONG WHITE EMPLOYEES IN GOLD MINES. WITWATERSRAND AREA.

Month.	Number of Deaths.	Number of Employees.	Death rate per 1,000 employed.
1903.			
January	2	10,327	·194
February	8	10,390	·770
March	6	10,658	·563
April	1	10,768	·093
May	4	10,854	·369
June	3	11,187	·268
July	3	11,208	·268
August	9	11,449	·786
September	3	11,805	·254
October	4	11,812	·339
November	7	12,104	·578
December	4	12,044	·332
Calendar Year—1903	54	—	·401 per mensem or 4·814 per annum.
1904.			
January	8	12,118	·660
February	4	12,094	·331
March	5	11,991	·417
April	3	12,039	·249
May	3	12,414	·242
Five months of 1904	23	—	·379 per mensem or 4·548 per annum.

Enclosure 2 in No. 15.

THE DISTRICT MEDICAL OFFICER OF HEALTH, Witwatersrand, to PRIVATE SECRETARY TO GOVERNOR.

SIR, Public Health Department, Johannesburg, July 2, 1904.

I HAVE the honour to forward you statistics of mortality amongst mine employees, and wish to bring to your notice that my figures are for deaths from disease only, not accidents, and that the figures for coal mines are also added, which is not done by the G.M.E.; hence disparity of totals of employees. Owing to the fact that it is common for white employees to leave the mine when ailing and die in hospital, or elsewhere, I have only been able to extract deaths from the records kept in this office (where all deaths are registered), according to occupation, and when address of Mine is given on the death certificate, but I believe the figures are fairly accurate. I notice that the average death rate among tin miners, which is a fair comparison to make with that occurring in metalliferous mines here, according to Tatham's Tables 1890-1892, is 30.41, and our death rate is 21.57 for

the period January to May, inclusive, 1904. I regret that I cannot give you figures for 1903, but it is only since January that death certificates have been sent to this office.

I have, &c.,

CHARLES LANE SANSOM,
District Medical Officer of Health for
Witwatersrand.

The Private Secretary
to His Excellency the Governor,
Johannesburg.

MORTALITY RETURN OF WHITE MINERS FROM DISEASE ONLY.

Witwatersrand Magisterial Area. January to May, 1904.

Cause of Death.	January.		February.		March.		April.		May.		Total.	
	No.	Rate per 1,000 per annum.	No.	Rate per 1,000 per annum.	No.	Rate per 1,000 per annum.	No.	Rate per 1,000 per annum.	No.	Rate per 1,000 per annum.	No.	Rate per 1,000 per annum.
Enteric	17	16·510	9	8·759	4	3·933	1	·979	3	2·851	34	6·607
Malaria	—	—	1	·973	—	—	—	—	1	·950	2	·388
Dysentery ...	4	3·884	2	1·946	—	—	—	—	3	2·851	9	1·748
Erysipelas ...	—	—	1	·973	—	—	—	—	—	—	1	·193
Pneumonia ...	1	·971	3	2·919	1	·983	2	1·959	4	3·802	11	2·137
Phthisis ...	2	1·942	2	1·946	2	1·966	4	3·919	—	—	10	1·939
Miners Phthisis	5	4·855	4	3·893	2	1·966	4	3·919	4	3·802	19	3·691
Other Respiratory	1	·971	—	—	—	—	—	—	1	·950	2	·388
Tuberculosis ...	1	·971	3	2·919	1	·983	1	·979	1	·950	7	1·360
Influenza ...	1	·971	—	—	—	—	—	—	1	·950	2	·388
Cerebral Spinal Meningitis.	—	—	1	·973	—	—	—	—	1	·950	2	·388
Disease of the Liver.	—	—	1	·973	—	—	—	—	—	—	1	·193
Diarrhœa ...	—	—	1	·973	1	·983	—	—	—	—	2	·388
Other Digestive	—	—	1	·973	—	—	2	1·959	—	—	3	·582
Circulatory ...	—	—	—	—	2	1·966	—	—	4	3·802	6	1·165
	32	31·077	29	28·226	13	12·783	14	13·719	23	21·863	111	21·570

Total of White Miners.

January	12,356
February	12,329
March	12,203
April	12,245
May	12,624
Average per month	12,350

8. Any Chinese or other person belonging to a race from which transit immigrants are at any time being brought to South Africa, but who is not himself a transit immigrant, may, on application to the Magistrate of his Division, and on satisfying the Magistrate that he is lawfully resident in Natal, obtain from him a certificate showing that such person is a resident of Natal.

The certificate shall be in such form, and shall contain such particulars as may be prescribed by the regulations.

Only one person shall be named in any certificate, but certificates may be granted upon application of a parent for the several members of his family.

9. The possession of such a certificate as aforesaid shall protect the person named therein from being dealt with under the provisions of this Act with regard to transit immigrants.

10. Any certificate obtained by fraud or false representations shall be void, and any person by whom a certificate has been so obtained, or who shall knowingly use such a certificate, shall be guilty of the crime of falsity.

11. A register shall be kept by every Magistrate of the persons to whom certificates have been issued.

12. This Act may be known as the "Transit Immigrants Act, 1904."

Given at Government House, Natal, this Eighteenth day of June, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

APPENDIX H.

GOVERNMENT NOTICE No. 468, 1904.

It is hereby notified, for general information, that His Excellency the Administrator has made the following Regulations under the provisions of Section 2 of the Transit Immigrants Act, 1904.

C. BIRD,
Principal Under Secretary.

Colonial Secretary's Office, Natal,
7th July, 1904.

REGULATIONS UNDER SECTION 3, ACT No. 7, 1904.

DEFINITIONS.

The following terms used in these Regulations shall have the meanings set against them respectively :—

The Act.—The Transit Immigrants Act, 1904.

Minister.—The Minister having charge of the Department responsible for the carrying out of the Act.

Immigration Officer.—The Principal Officer for the purposes of the Immigration Restriction Act 30 of 1903.

Health Officer.—The Officer of Health at the Port.

Transit Immigrant.—Chinese introduced from oversea under the scheme referred to in Act No. 7, 1904 ; Chinese women introduced in reference to the said scheme, and their children, whether born in Natal or not.

Deserter.—(*a*) A Transit Immigrant who, on arrival at or during his or her progress through the Colony, may desert or leave the party to which he or she belongs, or with which he or she came into the Colony. (*b*) Any Transit Immigrant who shall be found at large within the Colony at any time.

Superintendent.—The Officer bearing that designation contemplated by the Transvaal Ordinance No. 17 of 1904.

1. No Transit Immigrant shall land or shall be landed in the Colony without prior consent, in writing, given in that behalf by the Health Officer and by the Immigration Officer, and then only subject to the Act and to these Regulations ; such consent may be withheld pending compliance with these Regulations, and with any condition either of the said Officers may deem it fit to impose.

APPENDIX I.

Reprinted from the NATAL GOVERNMENT GAZETTE, June 18, 1904.

[No. 7, 1904.]

HENRY BALE, Administrator.

ACT,

"To make provision with regard to persons brought to Natal in pursuance of a scheme for the introduction of labourers into a neighbouring colony or territory."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Whenever a scheme shall have been adopted or approved by the Government of any British Colony or Possession in South Africa for the introduction of labourers from oversea, the Governor in Council may, by proclamation, declare that this Act shall apply to all the persons to be introduced under such scheme, as labourers or otherwise, males as well as females, and their children, whether born in this Colony or elsewhere, and thereupon it shall be lawful, notwithstanding anything contained in the Immigration Restriction Act, 1903, for all such persons brought to Natal in pursuance of such scheme to enter and pass through this Colony, subject to the provisions of this Act.

Such persons are in this Act referred to as "transit immigrants."

2. The Governor may from time to time make and alter regulations providing for everything which may be deemed proper for carrying out this Act, and for giving full and complete effect to the scheme for the introduction of labourers and for all matters and things whatsoever, nothing excepted, provided that they be not in conflict with this Act.

3. Such regulations may, amongst other things, and without derogation from the powers given as aforesaid, make special provision for the following matters :—

(*a*) The entry of transit immigrants into Natal and the requirements to be observed before debarkation, whether as to giving pratique to ships, or as to the examination, inspection or disinfection of such immigrants or of their effects.

(*b*) The landing of transit immigrants, their detention in a compound, location or elsewhere.

(*c*) The feeding, housing, and proper treatment of transit immigrants.

(*d*) The powers, authorities, and duties of the persons entrusted with the charge of transit immigrants.

(*e*) The conveyance and transit of such immigrants through and out of Natal.

(*f*) The rules to be observed by transit immigrants.

(*g*) The custody of transit immigrants whilst in and passing through Natal, the power of guards, constables, and others to enforce obedience to the rules, or to arrest and bring back deserters or those who may be found away from the party to which they belong.

(*h*) The arrest, detention, mode of dealing with, and the removal from the Colony of transit immigrants who may come into Natal after being conveyed therefrom under this Act.

(*i*) The conveyance and transit of immigrants through and out of Natal when returning or being sent back in pursuance of such scheme as aforesaid, and for all such matters connected with such return as are provided for in regard to the introduction of transit immigrants.

4. It shall be the duty of all Magistrates, police constables, and other officers of the law to aid and assist in enforcing the regulations and lawful orders relative to transit immigrants and in preventing the desertion or escape of such immigrants.

5. No person shall aid or abet a transit immigrant to desert from the party of transit immigrants with which he arrived in the Colony or to resist or obstruct any officer in the execution of his duty or to contravene any of the regulations made under or referred to in this Act.

6. The Immigration Restriction Act, 1903, shall not apply to or in respect of any transit immigrant coming within the provisions of this Act; Provided and excepted that the Governor in Council may, by Proclamation, from time to time, direct that any part of the said Act of 1903, or the regulations thereunder, shall so apply, and in such case the said Act or the regulations thereunder shall apply to such immigrants to the extent specified in the Proclamation.

Any such Proclamation may, from time to time, be varied or revoked by a like proclamation.

7. Every person guilty of a contravention of this Act, or of any regulation made thereunder, or made applicable to transit immigrants, shall be liable on conviction before a Magistrate to a fine not exceeding Fifty Pounds (£50) Sterling, or in default of payment thereof, imprisonment with or without hard labour for a period not exeeding six months, or he may be sentenced to such imprisonment, as aforesaid, without the option of a fine.

The consent to be given under this Rule may authorise the landing *en bloc* of the Transit Immigrants arriving by any one vessel, with such exceptions as it may be necessary to specify.

2. The master of any ship arriving at Port Natal containing Transit Immigrants for debarkation in the Colony, shall immediately report to the Immigration Officer, and produce the certificate specified by para. 14 of the Transvaal Ordinance No. 17 of 1904, and shall lodge with him a full and complete list, in duplicate, of his crew and all other persons then on board of his vessel not being Transit Immigrants, and shall furnish all information (on oath, if so required), concerning such Immigrants, and the crew and such other persons as may be called for.

3. The Superintendent shall, as soon as may be after the admission into Natal of any body of Transit Immigrants, furnish the Immigration Officer with a complete list of such Immigrants.

4. Prior to the landing of Transit Immigrants, the Superintendent or his representative shall certify that such are Transit Immigrants for whom and for whose transference to the Transvaal he is authorised to accept responsibility.

5. The Health Officer, Immigration Officer, Port Captain, and their representatives, and such other Government Officers as may at any time be concerned, shall at all times be allowed to board a Transit Immigrant ship, and such orders as they may deem necessary to give in the interests of the Immigrants and of the Colony shall be carried out by the person or persons to whom such orders may be given.

6. Transit Immigrants shall on landing forthwith proceed or be conveyed in such manner as the Immigration Officer may direct to the Compound provided to receive them during their stay in the Colony.

7. No Transit Immigrant after admission therein shall leave the Compound, except for the purpose of being carried to the Transvaal Colony.

Due notice of the intention to remove Transit Immigrants from the Compound shall be given by the Superintendent to the Immigration Officer, with full particulars as to number and hour of departure.

8. No Transit Immigrant shall be removed from the Compound for any purpose whatever without prior notice to the Immigration Officer.

9. No Transit Immigrant shall, during his passage through the Colony, leave any train or vehicle in which he is being conveyed.

10. All desertions of Transit Immigrants shall at once be reported by the Superintendent to the Police Officers, as well as to the Immigration Officer, with full particulars of time and place, and registered numbers of the deserters.

11. Any Transit Immigrant committing a breach of any Regulation under the Act, or refusing or neglecting to comply with any order or request from the Immigration Officer, members of the Natal Police, and any of the officers or persons appointed to control their movements and attend to their care, shall be liable to be summarily arrested by any such person or officers, who are hereby authorised to effect such arrest without warrant.

Any Transit Immigrant so arrested may be taken or conveyed either to the Compound or to the nearest gaol, and there detained in custody until such time as arrangements for his conveyance out of the Colony shall have been effected, or he may otherwise be dealt with according to Law as the Immigration Officer may decide.

12. The written order of the Immigration Officer or any member of the Natal Police Force shall be a sufficient authority for the person in charge of any gaol to receive and detain the Transit Immigrant as provided in No. 13 of these Regulations. Any Transit Immigrant so detained shall be handed over to the Immigration Officer upon his request in writing.

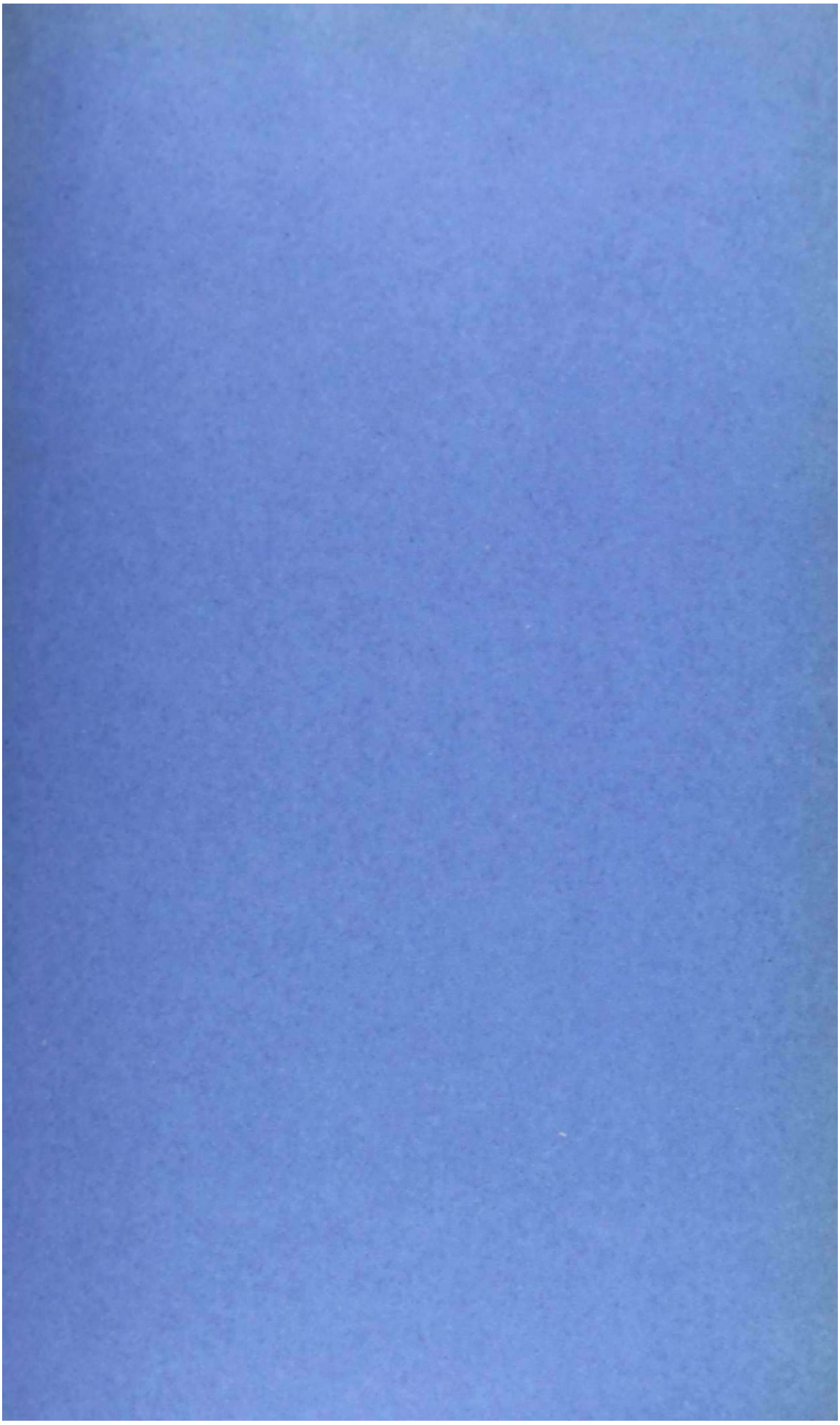
13. The Governor of any gaol in which a Transit Immigrant may be lodged shall, unless he is relieved of the care of such Immigrant within fifteen days, report the fact to the Minister, to the intent that an enquiry may be instituted into the delay in effecting deportation.

14. No Transit Immigrant shall enter the Colony or be conveyed therein except with the consent of the Immigration Officer.

15. Any Transit Immigrant found at large in the Colony shall be sent by the Immigration Officer to the Superintendent under proper custody.

16. No person shall harbour, or aid, or abet the harbouring of any deserter, or obstruct the pursuit of any deserter, or fail or refuse to give such information as may be in his possession as may assist in the arrest of any deserter.

17. No person shall resist or obstruct actively or passively any officer in the execution of his duty, or disobey or disregard any lawful order given under the Act or these Regulations.



TRANSVAAL.

CORRESPONDENCE

RELATING TO THE

POSITION OF BRITISH INDIANS IN THE TRANSVAAL.

(*In continuation of* [*Cd.* 1684].)

Presented to both Houses of Parliament by Command of His Majesty.
August, 1904.

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APPENDIX.

Extract from "Star," Weekly Edition, May 14, 1904 46

CORRESPONDENCE

RELATING TO THE

POSITION OF BRITISH INDIANS IN THE TRANSVAAL.

No. 1.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

MY LORD, Downing Street, January 23, 1904.

I HAVE the honour to transmit to you the accompanying copies of correspondence* with Sir M. Bhownaggree, respecting the treatment of British Indians in the Transvaal.

2. I would invite your particular attention to Sir M. Bhownaggree's letter of the 15th September, addressed to Mr. Chamberlain, enclosed in his letter of the 21st December, which appears to me to be a good statement of the case for the British Indians. I cannot but feel much sympathy for the views expressed in it, and I fear it will be difficult to meet his representations with a fully satisfactory answer. The subject is almost certain to be raised in the House of Commons when Parliament meets, and though I am fully alive to the difficulties which the Transvaal Government has to contend with, the position of His Majesty's Government and its responsibilities in the matter must also be considered.

3. I am anxious to receive from you a statement of your views upon the case for the British Indians as put forward by Sir M. Bhownaggree.

4. I take this opportunity of forwarding also a copy of a letter† from the India Office, enclosing one from Mr. Dadabhai Naoroji. You will observe that Mr. Naoroji quotes a statement from a letter from a correspondent that he has "no hesitation in saying that the sites (*i.e.*, the sites which it is proposed to set apart as Indian bazaars) are utterly useless for trade." I hope to receive your observations upon this letter generally and especially upon the statement which I have quoted.

I have, &c.,
ALFRED LYTTELTON.

Enclosure in No. 1.

Sir M. BHOWNAGGREE to COLONIAL OFFICE.

DEAR MR. LYTTELTON, 196, Cromwell Road, S.W., December 21, 1903.

RECOGNISING the heavy demands there must be upon your time and thought in the responsible duties to which His Majesty has called you, particularly in the first few months of office, I am reluctant to have to press upon your attention at this early stage of your Secretaryship for the Colonies the questions I raise in the letter

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* Sir M. Bhownaggree's letters of 15th September and 21st December only printed.
† Not printed.

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which follows with regard to the treatment of British Indian subjects in South Africa. I purposely refrained from doing so for several weeks after the announcement of your appointment. But the signal importance of removing legitimate grounds for discontent among any considerable section of His Majesty's subjects will, I know, be regarded by you as affording ample justification for the course I now adopt. Measures remain though statesmen pass from direct responsibility in regard to their administration; and remarks prepared for Mr. Chamberlain have now to be submitted to you. Indeed, the change made in the headship of the Colonial Office renders it the more desirable that the case for better treatment of Indians in South Africa should be set forth in some detail, in order that facts with which you have not hitherto been directly concerned in an official capacity may be placed before you from an independent standpoint.

As already indicated I had prepared the letter which follows, and was on the point of sending it to the printers, when Mr. Chamberlain's resignation was announced. I could do nothing further until the vacancy was filled by your appointment. The question of the most desirable method of representing the situation to you had then to be considered. At first sight an entire reconstruction of the letter seemed called for, but on further reflection I came to the conclusion that the document would better serve its purpose and more clearly indicate the position if left in the form in which it was moulded when it was to Mr. Chamberlain that the British Indians of South Africa looked for the restoration of those rights of Imperial citizenship of which they have been unjustly and needlessly deprived On that ground the letter, save for a few alterations made in proof to bring the review of the situation up to date, remains in its original form. In the conviction that you will give my remarks your earnest consideration, and that they will prove to you the pressing necessity for redressing the grievances set forth,

I am, &c.,
M. M. BHOWNAGGREE.

To the Right Honourable Alfred Lyttelton, M.P.,
His Majesty's Principal Secretary of State for the Colonies.

DEAR MR. CHAMBERLAIN, 196, Cromwell Road, S.W., September 15, 1903.

DURING the eight years of your Secretaryship for the Colonies it has been my duty to bring to your notice from time to time the disabilities and indignities suffered by British Indian subjects in South Africa. In many interviews, by frequent correspondence, by questions put in the House, and by speeches there and elsewhere, I have again and again called your attention both to specific cases of ill-treatment and to complaints of a more general character. I am grateful both for the sympathy with the sufferers you have invariably expressed, and for the modifications of harsh orders in individual cases which have, in some instances, resulted from your intervention. From the first you have assured me, both in private and public, that the Government desired to do what they could in the interests of the Indian subjects of the Crown in South Africa, consistently with paying due regard to the condition of affairs there. I am sure that you will bear me out in the claim that I have endeavoured to meet this sympathetic attitude with a due recognition of the two main factors that have operated against prompt settlement of this long-standing problem. I have always admitted that the narrow and illiberal sentiments of the Colonists made your position in the matter a difficult one, and that during the long and anxious period of the war and of the negotiations leading up thereto it was necessary for the question to remain to some extent in abeyance. Indeed, those of us who are specially interested in this subject were led by the assurances of Cabinet Ministers to cherish the anticipation that the war had for one of its main objects the rescue of British Indians from the harsh treatment to which they were exposed by the late Boer Republics.

2. Entertaining this hope and anxious to avoid any step that might possibly have the effect of increasing the difficulties of Government, I refrained from taking the course, urged upon me by some of my friends, of inviting an expression of the opinion of the House on this Imperial subject. Although our hopes have so far been falsified by the maintenance, since the establishment of British rule, of a state

of affairs that must cause misgiving to every true friend of the best interests of the Empire, I have continued to confine my Parliamentary efforts to protesting whenever opportunity has offered against the policy pursued towards British Indians in South Africa, to addressing questions to you and to calling your attention, in other ways, both public and private, to specific cases of hardship. The initiation of a discussion by means of a motion which Government would be obliged to deal with as a matter of confidence has seemed to me, up to the present, undesirable in the best interests of the community whose cause I have pleaded. A vote of the House taken under such circumstances might be erroneously construed by the Colonists as an endorsement by Parliament of their un-British deprivation of the most ordinary rights of citizenship inalienably conferred upon the Indian subjects of the Crown by solemn and repeated pledges. Even the tabling of questions on specific grievances is a method of calling your attention to them that is not without its drawbacks. The Colonial Office not having the material for an answer in its possession, official reports are called for, and when, after some weeks, they reach this country they are frequently at variance with the statements of aggrieved parties and with evidence obtained from independent quarters. In any event, the manifold duties Parliament is called upon to discharge and its inability to give more than a cursory examination to questions not raised by the Government and not relating to domestic legislation must be considered. Nor can a debate in the House, nor the other measures enumerated, give you a connected view, such as that I now propose to place before you, of the case for His Majesty's Indian subjects in South Africa, and of the strength of their claim for prompt ameliorative measures.

Necessity for general examination of the situation.

3. Such are the considerations, in addition to the urgency and importance of the subject, which lead me in the comparative leisure of the recess to address you somewhat more fully in writing than I have hitherto done, and to ask for that sympathetic attention to the observations I have to offer which will not, I am persuaded, be wanting on your part. That the time has arrived for an exposition of the Indian case must be obvious to anyone familiar with the present position. The rapid and satisfactory progress made in many other respects since the close of the War in South Africa has not been exhibited in this matter, the Indian grievances which were made a *casus belli* having in no adequate sense been removed. You have visited the sub-continent and have personally investigated this, among other problems, on the spot; in the new Colonies the question of labour is reported by Viscount Milner to be assuming "a really alarming aspect" and he is of opinion that the importation of Indian coolies, under indenture to return, is essential to a satisfactory solution of this problem; the Government of India have been approached on the subject of promoting the indentured immigration he desires, and have laid down certain definite conditions; the restrictions imposed upon Asiatic traders in the Transvaal by Government notice, dated April 8th, 1903,* have been petitioned against by an influential section of the European population as unnecessarily severe; and Lord Milner, while justifying that Notification, has described its provisions as temporary, and spoken of the necessity for devising fresh legislation on the basis of "a reasonable compromise" likely to be acceptable to His Majesty's Government.

Present measures admittedly tentative.

Unfulfilled pledges.

4. You are well aware that from my place in Parliament I have more than once described the action of the South African colonists in imposing humiliating disabilities upon British Indian subjects—disabilities as I shall show, called for neither on economic nor sanitary grounds—as constituting the violation of the most solemn pledges made on behalf of the British Crown to the people of India assuring to them justice and fair treatment. They are equally inconsonant with the equitable principles laid down by the British Government from time to time in connection with South African administration. Those principles are admirably expressed in the Proclamation issued by Sir George Napier, Governor of Cape Colony, in May, 1843, as a preliminary to the annexation of Natal. Among other things the Proclamation unreservedly and emphatically pledged the British Government in the following terms:

Sir G. Napier's Proclamation of 1843, guaranteeing equal treatment.

> "That there shall not be in the eye of the law any distinction or disqualification whatever founded on mere distinction of colour, origin, language or creed, but that the protection of the law in letter and in substance shall be extended impartially to all alike."

* Printed in [Cd. 1684].

Status of British Indians in the Transvaal, under 1881 and 1884 Conventions.

There is no need for me to quote other documents confirming the principles thus unequivocally laid down, for during your tenure at the Colonial Office you have, and more particularly before the War, upheld them and sought to promote their observance. Writing to the High Commissioner on September 4th, 1895,* with reference to the contention of the South African Republic that British Indians could not claim the protection and rights and privileges secured to British residents in the Transvaal under the Conventions of 1881 and 1884 you wrote:

> "In conclusion I would say that whilst desirous loyally to abide by the award, and to allow it to close the legal and international question in dispute between the two Governments, I reserve to myself the liberty later on to make friendly representations to the South African Republic as to the traders and possibly to invite the Government to consider whether when once its legal position has been made good it would not be wise to review the situation from a new point of view and decide whether it would not be better in the interests of its own burghers to treat the Indians more generously, and to free itself from even the appearance of countenancing a trade jealousy which, I have some reason to believe, does not emanate from the governing class in the Republic."

Electoral exclusion of British Indians, Natal, vetoed by Colonial Office, 1895.

In the same year the Home Government vetoed a proposed amendment of the Natal franchise law under which all Natives of India not at that time entitled to vote were to be disqualified from inclusion in the electoral lists. In communicating this decision to the Governor of Natal you observed:

> "Your Ministers will not be unprepared to learn that a measure of this sweeping nature is regarded by Her Majesty's Government as open to the very gravest objection. It draws no distinction between aliens and subjects of Her Majesty, or between the most ignorant and most enlightened of the Natives of India. I need not remind you that among the latter class there are to be found gentlemen whose position and attainments fully qualify them for all the duties and privileges of citizenship, and you must be aware that in two cases within the last few years the electors of important constituencies in this country have considered Indian gentlemen worthy, not merely to exercise the franchise, but to represent them in the House of Commons."

Mr. Chamberlain's speech, Intercolonial Conference, 1897, strongly urging better treatment.

Still more emphatic and unanswerable was your condemnation of the imposition of disabilities on mere grounds of race and colour addressed to the Premiers of the Self-Governing Colonies at the Colonial Office Conference on June 24th, 1897, as given in the White Paper (C. 8596) shortly afterwards presented to Parliament. Referring to legislation either passed or under consideration in various Colonies in reference to Asiatic immigration, you said:

> "We quite sympathise with the determination of the white inhabitants of these Colonies which are in comparatively close proximity to millions and hundreds of millions of Asiatics that there shall not be an influx of people, alien in civilization, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the legitimate rights of the existing labour population. An immigration of thtt kind must, I quite understand, in the interests of the Colonies, be prevented at all hazards, and we shall not offer any opposition to the proposals intended with that object, but we ask you also to bear in mind the traditions of the Empire, which makes no distinction in favour of, or against, race or colour; and to exclude, by reason of their colour, or by reason of their race, all Her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it . . . . The United Kingdom owns as its brightest and greatest dependency that enormous Empire of India, with 300,000,000 of subjects, who are as loyal to the Crown as you are yourselves, and among them there are hundreds and thousands of men who are every whit as civilized as we are ourselves, who are, if that is anything, better born in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have in times of great difficulty and trouble, such for instance as the Indian Mutiny, saved the Empire by their loyalty. I say,

* No. 14 in [C.—7911].

you, who have seen all this, cannot be willing to put upon those men a slight which I think is absolutely unnecessary for your purpose, and which would be calculated to provoke ill-feeling, discontent, irritation, and would be most unpalatable to the feelings not only of Her Majesty the Queen, but of all her people."

British Indian grievances a *casus belli*.

5. These and similar declarations made from time to time on behalf of the British Government gave the utmost satisfaction to the people of India, not only because they resulted in the anti-Asiatic legislation of the Boer Government remaining inoperative, in many important respects, as regards British Indians, but also because they carried with them the promise that such unsympathetic legislation would be peremptorily put aside when the time came for the British Government itself to give effect to the principles to which it was so fully committed. Indeed, the ill-treatment of British Indian subjects in the Transvaal was by no means the least important of the grievances, the redress of which was sought by Great Britain, and which led to the War eventuating in the incorporation of the Republics in His Majesty's dominions. Many Ministerial utterances could be quoted to show that Mr. Kruger's restrictive legislation against British Indians was frequently referred to by members of His Majesty's Government as constituting one of the strongest justifications for resort to the arbitrament of war. But it will be sufficient to give an extract from a speech delivered by the Marquis of Lansdowne, at Sheffield, in November, 1899. The then Secretary of State for War told his audience that India had "a special interest in this Transvaal question," and went on to say:

> "A considerable number of the Queen's Indian subjects are to be found in the Transvaal, and among the many misdeeds of the South African Republic I do not know that any fills me with more indignation than its treatment of these Indians. And the harm is not confined to the sufferers on the spot; for what do you imagine would be the effect produced in India when these poor people return to their country to report to their friends that the Government of the Empress, so mighty and irresistable in India, with its population of three hundred millions, is powerless to secure redress at the hands of a small South African State."

Consequent anticipation of prompt redress.

6. This and other Ministerial condemnatory references to the anti-Indian legislation of the Transvaal—(legislation believed by so keen an observer as the late Sir William Hunter to be intended so to lower British Indians as to put them on a level with the semi-civilised Kaffir races and thus to prevent the employment of Indian troops in the war President Kruger saw to be impending)—led those of us specially interested in this matter to regard it as a foregone conclusion that the obnoxious legislation which filled Lord Lansdowne with such righteous indignation, would be abrogated at the earliest possible opportunity upon the establishment of British rule. The Transvaal was formally annexed on September 1st, 1900, but as the anxiously awaited fulfilment of Government promises remained uneffected month after month, on May 24th, 1901, I asked you in the House of Commons—

Suggested abrogation of Boer anti-Indian legislation.

> "If, with the British occupation of the Transvaal and the Orange Free State, the various regulations by which the Boer administrations had sought to impose disabilities on British Indian subjects residing in that region are invalidated; and if not, having regard to the fact that such regulations were in breach of the Pretoria Convention, will he (the Colonial Secretary) authorise the administrators in those Colonies to publicly declare that all such regulations would have no effect from the date of their passing under British dominion."

Your reply was to the effect that the legislation in question remained in force until modified; that you had not learned the views of the new Administration as to the changes to be made, but proposed to discuss the matter with Sir A. (now Lord) Milner, who was then in England on a short holiday. From this discussion no immediate results followed; another year passed by before peace was concluded; and when further representations were made on the subject, you promised that during your then impending visit to South Africa you would personally investigate this among other problems.

Recent changes in Transvaal law.

7. Since your return to this country certain changes have been made in the Transvaal law, particularly by the Government Notice of April 8th last, and in a few details they may be said to go some way, at least, to hold out the promise of

meeting Indian requirements. But taken as a whole the grievances of which British Indians complained before the War remain unredressed. Indeed, so far from the pledges of Government having been fulfilled the position of British Indians has in most particulars been rendered more intolerable than under the Boer régime, as I shall presently show. Your Parliamentary references to the situation, while marked by sympathy for those whose cause I plead, have, I venture to think, indicated an inadequate realization of this fact on your part. Otherwise you could not have defended the existing regulations on the ground that "unless a distinct Imperial interest is concerned" the Transvaal is to be treated as though it were a self-governing colony. (House of Commons, July 27.) If four years ago Lord Lansdowne held it to be politically injurious for it to be known in India that the British Government was powerless to secure redress of grievances of Asiatic subjects of the Crown "at the hands of a small South African State," how much more injurious must it now be to British prestige in "the brightest and greatest dependency of Britain" for the people to learn that, more than three years after the said State was incorporated within the King's dominions, the grievances of their fellow-countrymen not only remain unredressed but, owing largely to the enforcement of laws which were inoperative under the Boer régime, have been aggravated? Surely this is a matter of as "distinct Imperial interest" as the question of lascar employment on mail vessels in which you have most justly refused assent to the reactionary proposals of the Australian Commonwealth. I have no desire to take exception to the principle you have laid down that, while it may be necessary for some years to come, to continue in the Transvaal the system of Crown Colony government, that system "shall interfere as little as possible with local opinion, local wishes, and local aspirations"—that, in practice, if not in fact, the late Republics shall be placed, in respect to domestic affairs, on a footing with Cape Colony and Natal. Even on the basis of this parity of treatment it can be shown that in the matter of restrictive legislation against Asiatics the law obtaining in the Colonies that are self-governing compares favourably in several important respects with laws still in force in the newly-acquired territories actually under the control of the Colonial Office. But I contend that the grant of autonomy to any portion of His Majesty's dominions does not carry with it the right to undermine the noblest traditions of the British constitution and the pledges of the Crown in respect to the rights and liberties of subjects of the King belonging to other portions of his dominions. The legislation of self-governing Colonies, in so far as it affects any British subject must be based on these traditions and pledges. The Imperial connection is dissolved into a mere figment if His Majesty's Ministers are unable to protect Indian subjects in all parts of the British dominions, and especially in Colonies controlled from Downing Street, from humiliation and injustice. India is the only portion of the Empire, outside the British Isles, which pays an adequate share towards the expense of conducting the affairs of the Empire as a whole. We therefore owe it to ourselves to see that the balance is kept even, and that India is at least equitably treated in the application of general principles throughout the King's dominions. The matter is thus of vital importance in the maintenance of the Empire whose consolidation and strengthening you have been so ardently endeavouring to promote. Moreover, the plea that because the Colonies are, or are to be, self-governing they must not be interfered with even when they deny justice to their fellow British subjects is inconsistent with the underlying policy of the War, namely, that of interfering with a practically independent Power to deliver British subjects, including many Indians, from oppression and injustice.

The theoretical autonomy of the Colonies under Imperial limitation.

Responsibility of the Imperial Government.

India's special claims to consideration.

8. I pass from these general considerations to state the grounds on which I base the complaint that on the whole, though the grievances of British Indians in the Transvaal formed a *casus belli* against the Boers, those subjects of His Majesty have lost rather than gained in status and liberty by the administration of the country having passed into British hands. The legislation of the Volksraad under which Asiatics were required to reside and trade in locations set apart for them was not generally enforced, owing in large measure to your own active intervention for the purpose of preserving the liberty of Indians to trade where they desired. On February 15th, 1899, you wrote as follows:

Non-enforcement of regulations by the Boers.

> "Sir Alfred Milner is prepared on his arrival at Cape Town to take up the question and to endeavour to arrive at some arrangement of a favourable character to the Indian traders. In the meantime the Government of the

South African Republic have suspended the notice for the removal of Asiatics to locations on the 1st instant."

Enforcement of regulations by British Administration.

That the Transvaal Location Law was disregarded to a large extent under the old régime is shown by the terms of the Notification of April 8th last, intimating that the law should now "be enforced, with due regard to the vested interests of those Asiatics who were trading outside bazaars at the commencement of the late hostilities" and announcing that the Government would "take immediate steps to have bazaars in every town set apart in which alone Asiatics may reside and trade." It is true that this combination of disability either to reside or trade outside locations accords with the decision of the High Court of the late Republic (Mr. Justice Morice dissenting) in holding that under the statute a place of "residence" includes a place of "trade." But seeing that this decision was largely inoperative, partly owing to your own protests, it is disheartening to those of us who have paid attention to this subject for years to find the deliberate stultification of those protests by our own administrators being permitted by the Colonial Office. Under the protecting ægis of Great Britain any Indian could, before the War, *de facto* if not *de jure*, trade in any part of the Transvaal with a license, in most cases simply by tender of license money, and could live in any part of the country without molestation, and without having to apply for exemption. But now, under the British flag, every Indian must both live and trade exclusively in bazaars, with the exception of those who held licenses to trade in town before the War, or who, by virtue of education and civilization, can obtain from the local Government a certificate of exemption, which exemptions, as will be shown later on, are largely nominal and inoperative.

Alleged sanitary objections to free residence.

9. These changes are not merely inconsistent with British representations to the late Republic before the War—they are fraught with hardship and oppression and with disregard to proprietary rights which can be justified under no principle of justice and humanity such as the Indian people have always been taught to regard as inseparably associated with British rule. In his despatch of May 11th (White Paper, Cd. 1684) Lord Milner seeks to defend the new regulations on sanitary grounds. His Lordship quotes, as the chief basis for this argument, a detached paragraph from the evidence of Dr. Porter, Medical Officer of Health at Johannesburg, before the Insanitary Area Improvement Scheme Commission of that town. The quotation is descriptive of the condition in which Dr. Porter, who was then new to South Africa, found the locality where the low class Indians of the mining centre principally dwell. Even as it stands, this evidence does not do more than indicate the disregard to sanitary matters which characterised the municipal administration in the time of the late Republic. Lord Milner sees in it, however, a condemnation of the habits of Indian coolies in sanitary matters; but he makes no mention of the controversion of Dr. Porter's evidence in this respect by other medical men. Dr. F. P. Marais, with nine years experience of Johannesburg, described the area in question as fairly well isolated and the surroundings good, except where they have been rendered insanitary by the proximity of the square used by the Municipality for depositing refuse. He stated that the locality was not properly served by the Municipal authorities, that overcrowding among the coolies was not "nearly so bad" as among poor whites in Ferreira's Township and elsewhere, and that generally the area was not insanitary. Dr. Johnson, a sanitary expert, with wide South African experience, also stated that taken as a whole the area was not over-crowded, and he commended the system under which court-yards "usually wide enough for health purposes" are provided for the Indian dwellings. There were, he said, but few of the buildings he could condemn purely for insanitary reasons. It is clear, therefore, that Dr. Porter's evidence quoted by Lord Milner was controverted by medical men of at least equal authority and of longer South African experience. If, for the sake of argument, his view of the case is accepted, there is no reason to suppose that, whether residing where they desire without restriction, or confined to locations, the Indians would not be amenable to all needful sanitary regulations.

The medical evidence.

Grounds stated for location law.

10. The general grounds upon which Lord Milner upholds and defends the enforcement of a location law allowed to remain inoperative by the Boer Government are set forth in the subjoined paragraph of his despatch:

"The resolution of the Executive Council makes special provision for exemption from the necessity of residing in a distinct Asiatic quarter in

the case of all Asiatics of a superior class. It is the intention of the Government to be liberal in granting such exemptions. We have no wish to subject respectable British Indians or civilized Asiatics generally to any disabilities. What we feel is that it is unjust to the European population, which has attained a certain standard of civilization, to thrust into its midst a mass of low-class Asiatics, who have not attained that standard, who tend to bring down the general level, both as regards health and morality, and whose presence is, on that ground, intensely obnoxious to the Europeans, and especially to the respectable Europeans of the working class. It is this section of the European population which feels its welfare most threatened by the proximity of Asiatics of a low type."

The educational tests.

Even if intended only to apply to the coolie classes, I should regard Lord Milner's description of "Asiatics of a low type" as unfortunate, not to say incorrect. But it is clear from the whole tone of the despatch and from the terms of the Notification it defends, that the trader, and not the coolie alone, is to be banished, save in a few instances, to locations. The educational test for exemption is one which probably the majority of traders would be unable to satisfy, but it is wholly erroneous to assume that, as a consequence, they are to be numbered among "low-class Asiatics," or that they lack respectability or civilization. Like many thousands of well-informed Englishmen, they could in most cases pass a reading and writing test in their own language though in no other, and to this the educational test should be limited. To give but one example of the incongruity of the test now applied, it would most probably condemn to segregation among coolies and Chinamen the distinguished Sir Partab Singh, Maharaja of Idar, who has rendered signal service to his Lord Paramount in many arduous campaigns and who has been justly described by Lord Curzon as "a gallant Rajput nobleman, a brave warrior, a genuine sportsman, a true gentleman, and a loyal and devoted subject." Such anomolies are bound to attach to educational tests, and while I gladly recognise that the exemption of educated Indians from the operation of the location law is an admission of the injustice of the degrading disabilities to which they have been subjected, I cannot withhold my sympathy from the position taken up by the British Indian Association, Johannesburg, as to the principle of exemption being "offensive." In its petition to Lord Milner the Association pertinently observes: "Why any Indian should have to take out an exemption and thus pose as superior to his other countrymen, before he can reside anywhere he likes on British soil, is difficult to understand."

Non-exemption of the Indian trader.

12. In defending the imposition of this obligation on the trading class Lord Milner seems to forget that the Indian trader is, in his own country, a respected and often an affluent member of the community, quietly filling an important sphere in the social economy. It is an insult and injustice to him to suggest that in lands where his competition is objected to by small shopkeepers of Continental or British birth, his presence constitutes a moral and physical danger to the general community. So far from this being the case, the average trader from India would have no difficulty in meeting the other qualifications for exemption—an ability and willingness "to adopt a mode of living not repugnant to European ideas nor in conflict with sanitary laws." But it is evident that there is no intention on the part of Government to give the trader the benefit of this proviso, when he does not hold a higher educational certificate. It is expressly laid down that "No new licenses to trade shall be granted to any Asiatic except to carry on his business in bazaars set apart for the purpose." The exemptions therefore will only apply to residence, and should a merchant or trader manage to prove to the satisfaction of a civil servant—and Government officers are to be the sole arbiters in such matters—that no exception can be taken on sanitary or moral grounds to his living outside the locations he will gain comparatively little advantage, for the business upon which he depends for a livelihood must be carried on exclusively within the narrow and isolated limits of the Asiatic bazaars. His opportunities for establishing or maintaining business connections with working-class and other Europeans will thus be reduced to the lowest degree consistent with theoretical liberty to pursue his calling—a result which helps us to understand the agitation of European shopkeepers and others against allowing the Indian trader the ordinary "live and let live" rights of British citizenship. Reasonable trading competition, must obviously be highly beneficial to the general public in the Transvaal where the cost of living is so abnormally high as to seriously

Deprivation of means of livlihood.

retard the industrial and economic development of the country. But that the destroyment of such competition is sought by some, at least, of the agitators, to whose views Lord Milner pays such great deference is shown by the strong objections raised by the White League even to bazaars being established within town limits. Lord Milner has argued (despatch of May 11th*) that the hostility of the European element towards Asiatics will be mitigated by the location law, but this further unjust demand of the White League tends to prove that such mitigation can only be purchased by the complete elimination of Indian traders from the arena of general trading competition. Such elimination by restrictive legislation would obviously be wholly contrary to the principle laid down in the despatch that "the policy of the present Government is not directed against colour or against any special race." Indeed, that principle cannot in any way be reconciled with the location law, even though Government fully adheres in practice to the determination "to choose sites not only healthy but affording reasonable opportunities for trade." I regret that the compulsory segregation of any class of Indians should be regarded as necessary. My knowledge of the ways and habits of the poorer classes in India leads me to be confident that the coolies would readily and of their own choice go to locations or bazaars if such places laid out in accessible localities for in doing so they would be acting according to the inherited customs of innumerable generations of their race. But assuming that local public opinion renders imperative the promulgation of a location law, I contend most emphatically that its application should be confined to the coolie classes, and should not affect respectable traders, whether their business be small or large. Lord Milner states that the Government intend to be liberal in granting exemptions. But what need is there for the elaboration of a machinery of exemption if the sole object of the location law is that set forth in the High Commissioner's despatch? The distinction between the ordinary coolie and the trader on a small scale is well defined, and the relegation of the former to locations would not involve any system of exemption. The new comer who is not a coolie ought not to be put to the inconvenience, not to say the degradation, of being marched off to the location and kept there pending a decision on his application for exemption—a decision, moreover, dependent upon the caprice of a licensing officer against whose fiat there is no appeal. Such new comer would already have surmounted the by no means easy barrier of the "permit" law, now so rigorously enforced. But if local opinion was not satisfied with this guarantee of his not being "undesirable" from the standpoint of morality and sanitation the further safeguard might be introduced of statutory liability to be sent to the location on a second or third conviction in respect to breaches of municipal regulations, or other offences. The location law as it now stands rests on principles that are derogatory to His Majesty's Indian subjects, and the grievances complained of can only be removed by the adoption of the suggestions you put forward in August, 1902, at the instance of the Government of India, viz.: the restriction of the law to those classes of Asiatics for whom segregation is required on sanitary grounds; business outside locations to be freely carried on; and Indian servants to be allowed to reside with the exempted better-class Asiatics who wish to employ them.

Compulsion unnecessary.

Objections to the exemption system.

13. The need for speedy amendment of the unfortunate notification of April 8 is the greater since the rights of property held by men of Asiatic race are thereby violated to a degree for which, I venture to affirm, it would be impossible to find even an approximate parallel in the laws and administration of the late Republic. All traders of Asiatic birth, with the exception of those "who held licenses at the commencement of the late hostilities," are to have their businesses relegated to the locations. This means the confiscation of the licenses held by traders who returned to the Transvaal with permits after the war and who were allowed to adapt themselves to the changed conditions by establishing themselves in another town. In some cases long-established businesses were purchased, and in many long leases of premises were entered upon, as it was never suspected that, under British rule, the vested interests thus acquired would be confiscated. As has been pointed out to the High Commissioner in a petition of the British Indian Association, such traders "are entitled, if possible, to greater consideration than those old license-holders who have not yet returned to the Colony, but whose rights are respected because they traded outside bazaars before the war. In the one case the new man has an established business; in the other the man, though an old trader, has to start *de novo*." Even the latter class of traders are unjustly dealt with, inasmuch as the licenses

Licenses.

* In [Cd. 1684].

remain in force only during their residence in the Colony, and are not transferable. In other words, the business of the licensee has no market value because he is interdicted from its sale. It has been pointed out in a petition from a number of leading European firms and residents, to which I shall again refer, that this proviso is "tantamount to requiring the present (license) holders to close their businesses sooner or later and then at a heavy loss." Another point of importance is that, prior to the war, very few Indian traders held licenses. Many were allowed to carry on business after a mere formal tender of license money, and others traded in the names of white men with the knowledge of the authorities. In this as in many other respects the Boers did not enforce their laws, partly because the British Government then exhibited a readiness to take up the grievances of British Indians in the Transvaal strangely at variance with the rigorous application of such laws we now witness.

Prohibition from holding real property.

Thus though Law 3 of 1885,* now made operative, prohibited Indians from owning landed property in the Transvaal, save in Asiatic locations, they frequently purchased land and held it in the name of European friends, a procedure no longer possible. This prohibition is a serious hardship, and is detrimental to the cultivation of land, either as a means of livelihood or in the hours of leisure from other callings, for which working class Indians are hereditarily qualified, and which would tend to cheapen market garden produce, now excessively dear in the Transvaal. The prohibition of the possession of real property by Indians is especially harsh in the case of land or buildings required for religious purposes.

The Pretoria Mosque.

Only a few days ago I received a telegram from the Mahomedans of Pretoria stating that the property they purchased some 15 years ago for the erection of a mosque, and which remained in the name of the vendor, has not yet been transferred to them. Before the war they were assured by Sir Connynghame Green, the British Agent, that there would be no difficulty about the transfer in the event of British rule being established in the Transvaal; yet the Government have refused to grant the necessary permission. Sir Arthur Lawley suggests as an alternative that the property should be transferred to the Colonial Secretary to be held in trust for the Mahomedans. But to this they raise the very valid objection that it would be contrary to their faith and practice for a non-Moslem to be the owner for them of their place of worship. The vendor is advanced in years, and the Mahomedans fear—perhaps naturally in view of the anti-Asiatic legislation to which they are exposed—that in the event of his death complications may arise in respect to the property. The case illustrates both the needlessness and hardship of this interdiction of Asiatics owning of real property, which was merely nominal under the Boer régime, but is now strictly enforced. Under the Insanitary Areas Improvement Scheme the holders of 99 years leases of property in the Johannesburg location are being expropriated, and so far as I am aware they have received no guarantees of adequate restitution in the shape of equally good property being assigned to them in the location. In each of the respects I have enumerated, the British Indian subjects of the King receive worse treatment than under the Government of the late Republic, and in none of them can this policy be justified, as Lord Milner has been led to suppose "by the necessity of preventing people of a higher degree of civilization, whatever their race or colour may be, from being degraded by enforced contact with people of a lower grade."

The Permit Law.

14. Nor does the unfavourable comparison of the present with the past to which I have called attention end here. Under the old régime Indians were free to enter the Transvaal without any restrictions whatsoever; they could in practice, live where they wished without molestation and without having to apply for exemption; the registration fee of £3 now annually exacted was not enforced; and there was no separate Asiatic Department to harrass and hamper them. Under the rule of their own Sovereign, even *bonâ fide* refugees of Indian birth who left the country immediately before the War are only sparingly allowed to re-enter it. Numbers of them still await permission. In any case their applications are not answered until enquiries have been made occupying at least a month, sometimes two or three months. Every Indian is under inquisitorial and harrassing supervision on the part of the Asiatic Office, to facilitate whose interference he has to be registered, neglect to take out a certificate being punishable by a fine ranging from £10 to £100, or imprisonment for a term of not more than six months. The Asiatic Office is alleged by those most closely concerned to be harshly and unsympathetically worked. I need not go into details on this subject, as they will be found in the petition of the British Indian

The Asiatic Office.

* See p. 57 of [C.—7911].

Association to Lord Milner, a copy of which is herewith attached.* That most temperately-worded representation shows that the Asiatic Office introduced a vexatious system of passes which has been proved to be quite useless; and that it is an unnecessary burden on the public revenues, inasmuch as its intervention between Indians and other public departments is not required, and does not obviate approach to those departments. A similar department does not exist either at the Cape or in Natal, where there is a far larger Indian population than in the Transvaal. Admittedly first established as a temporary institution, the office now only serves, by the vexatious delays to which it gives rise and in other ways, to make the lot of the British Indian more and more unendurable. The abolition of the department would not increase the risks of unrestricted immigration of which the White League is so unnecessarily apprehensive, for under the Permit system no immigrants from India have been allowed to enter the Colony. Permits have only been granted to the refugees who left before the outbreak of the War, and only to them very slowly and sparingly. Lord Milner was strangely misinformed when he cabled to you on May 12 last† that the Colony was being "flooded by petty Indian traders and hawkers," whom he incorrectly stigmatised as "of no benefit whatever to the community." I have no objection to the all-round application of a law to prevent the entry of "undesirables" on economic, sanitary and moral grounds. But I hold it to be a serious blot upon the fair fame of our Empire that while non-British subjects, however "undesirable," are freely admitted provided they have white skins, vexatious and needless restrictions exist against the entry of law-abiding British Indians against whom no valid objections can be urged, and whose countrymen, as voluntary ambulance bearers, participated in the dangers and sacrifices of the late War, a work for which, to quote the words of Sir John Robinson, the first Premier of Natal, they deserved the grateful recognition of the British community in South Africa.

The Foreign undesirable.

15. Yet we have Lord Milner describing the attitude of Europeans in the Transvaal towards Asiatics (*i.e.*, Indians) as one of "intense hostility." He says the hostility, "in view of the possible introduction of self-government, is the greatest danger by which they (the Asiatics) are confronted." To promote amity and concord between the various races who make up the population of the sub-continent, whether Boer or Britain, European or Asiatic, is a most necessary task of statesmanship at the present time, and one which, in some at least of its aspects, has been most zealously and capably pursued by the High Commissioner. But I fear that his absorbing labours and anxieties have left him little time or opportunity to promote that end in respect to the relations between the white population and the Indian subjects of the Crown; otherwise he would have recognised that some of his words and executive actions were likely to have a contrary effect, such as he would be the first to deplore. I gladly bear testimony to the sympathy Lord Milner has expressed towards the Indian deputations that have waited upon him, and I am aware that at the Congress of Transvaal Municipal delegates in May last, his Excellency—not for the first time—appealed for a more liberal treatment of educated coloured persons, and said that while he sympathised with the feeling against an indiscriminate influx of Asiatics as traders and settlers, opposition thereto should be based upon sound social and economic reasons apart from colour. But I cannot banish a strong conviction, reluctantly held, that the High Commissioner has somewhat misinterpreted, and attached undue weight to, the anti-Asiatic feeling, and that by so doing he has greatly stimulated its growth. That it is impossible to disregard public opinion on the subject, and that measures may be requisite to prevent a large influx of Asiatics into the new Colonies I do not deny. If the "hostility" of colonists is so "intense" as Lord Milner is led to believe, it is of the utmost importance for those in authority to utilize every opportunity to demonstrate its unreasonableness, rather than to lay emphasis upon its existence and to yield to its most extravagant demands. Racial hate grows upon the concessions it receives, upon the subordination of justice for the injured community to the gratification of its own prejudices. I am thankful to recall that during your tour in South Africa you exerted your influence to assuage any bitterness that might exist. When deputations asked for anti-Asiatic legislation you appealed to them to remember the Imperial position, and that their Indian fellow subjects were entitled to fair and honourable treatment (vide Colonial Office Memorandum of 3rd April last). I cannot help feeling that Lord Milner has—unintentionally of course—somewhat minimised the effect of these patriotic appeals by failing to recognise that British Indians have political, industrial and social claims

Lord Milner's attitude.

Mr. Chamberlain's appeal to the Colonists.

* Not printed.

† See No. 1 in [Cd. 1683].

to consideration immeasurably superior to those of some other Asiatic races. Just now public opinion in the Transvaal is strongly divided on the question of the importation of Chinese labour for the mines, and proposals to that end have been most emphatically objected to on moral and sanitary grounds. In the House of Commons on July 27, Sir William Harcourt had the importation of the Chinese in mind when he asked whether the Government intended to commit the Transvaal to a form of labour "which in every country that has had experience of it, in every colony which knows it, is regarded as a mark of degradation and of infinite injury to the society in which it exists." As your reply to Sir William Harcourt makes clear, such a description is wholly inapplicable to Indian labour; your statement that in the East African Protectorate and elsewhere the coolies are "most useful citizens" is a matter of common knowledge. But the despatches of Lord Milner seem altogether to lack appreciation of the wide difference between the Indian labourer and his Chinese contemporary—they are indiscriminately lumped together under the term "Asiatics," with the result that the opposition to the latter is, in effect, used against the former, whose higher civilization and whose inalienable rights as subjects of the Crown are thus ignored.

Objections to classing Indians with Chinese.

16. The confusion of issues caused by the vague generalization of which I have complained is the more to be regretted since it obscures the fact that many Europeans of standing (who may or may not object to the importation of Chinamen with its far-reaching social and political consequences) are in hearty sympathy with the efforts put forward by British Indians to obtain the redress of their grievances. In his despatch of May 11th* Lord Milner said that the European population was "protesting with ever-increasing vehemence" against the "indiscriminate" grant of trading licenses, and against the non-enforcement of the old inoperative location law of the late Republic. But no notice is taken of the important fact that in the previous month, shortly after the promulgation of the Government Notice of April 8th, there has been submitted to the Lieutenant-Governor of the Transvaal a petition from a number of European firms and residents protesting against these curtailments of the rights and liberties of the Indian inhabitants, and asserting that "It is evident that the Indian supplies a felt want because the general public support him." It is scarcely conceivable that these gentlemen would make such an assertion as to public feeling if Lord Milner was correctly informed when, writing a few days later, he described the attitude of the European element as one of "intense hostility" towards Asiatics,—a term which in this connection must be taken to mean the Asiatics already in the Colony, viz., British Indians. The European petitioners, so far from exhibiting the slightest animus against their fellow-subjects of Indian birth, described them as "an orderly, law-abiding and useful section of the community," and as "quite equal in honesty and sobriety to others who are not British subjects and yet enjoy full trading and other rights." They approach the question from the standpoint you endorsed when in South Africa, viz., that it is necessary to regulate the immigration of Asiatics into the Colony by law, and that "in place of the existing anti-Asiatic legislation, the Natal Act or the Cape Act might be copied with advantage." Again adopting your own opinions, as then explained, they remark that this coming into line with the self-governing Colonies would "do away with the race or colour question, while setting at rest any fear of an influx of undesirable people of any nationality." It is true that in the meantime the Natal Act has been amended in the direction of an unnecessary and arbitrary enhancement of previously existing restrictions. But the fact remains that in a Crown Colony, where the inhabitants are to be treated as though they were enjoying local autonomy, and where it is alleged that public opinion is intensely hostile to "Asiatics," many members of the European mercantile and trading community have been praying the Government to give British Indians the rights freely accorded them in the self-governing Colonies. No more convincing proof than this could be afforded that the reactionary policy embodied in the Notification of April 8th is not, as Lord Milner's despatch infers, demanded by a European population unanimously hostile to the Indian subjects of the King. The petitioners ask for a reconsideration of the Government Notice, as an act of "justice and mercy." They point out that the non-transferability of existing licenses will ultimately involve the holders in very heavy loss, and that it would be unjust to withhold licenses to trade outside bazaars from those Indians who obtained them last year from British Officers. They suggest a *modus vivendi* which I most earnestly support. Paragraph 6 of the representation reads:

European opinion.

Pro Indian petition.

* In [Cd. 1684].

"In your petitioners' humble opinion the best solution of the intricate question will be in Town Councils or Health Boards being granted powers, as in Natal, to refuse or grant licenses to new applicants, subject to safeguards against abuse thereof in the shape of the right, to the aggrieved party, of appealing to the Supreme Court against their decisions. The renewal of existing licenses, too, should be subject to the sanitary report from year to year."

Proposed Municipal control of licenses.

17. Although public opinion is believed by Lord Milner to be intensely hostile to the Indian community, the British Indian Association have informed him of their readiness for the grant of new licenses to be dependent upon "the will of the people" as represented by the municipalities. In endorsing the proposal of the European petition I have quoted, the British Indian Association writes:

"While the Association does not admit that there is any fear of overtrading on the part of the Indians, the best solution of the difficulty would be in powers being given to the municipalities to control the granting of new licenses to trade, subject to the revision of their decision by the Supreme Court. Thus the existing licenses, so long as the law as to sanitation, proper book-keeping, &c., is observed, would be untouched by them, and the granting of new licenses, whether European or Indian, would practically depend upon the municipality, which represents the will of the people. With such a law, without any competition, [compulsion?] each community would be automatically separated in distinct localities. The class of buildings could be improved from year to year, and the whole tone of the community raised and no offence given to any portion of it. For the Association firmly believes that if a good portion of a town were selected and Indians given the choice of going there, a large number would be found willing to avail themselves of the choice without any compulsion."

It will be seen therefore that the British Indians of the Transvaal accept the principle of trading restrictions, not because they deem it necessary on economic grounds, but because they recognise the existence of local prejudices. The suggested compromise under which the municipalities would grant licenses subject to the appellate jurisdiction of the Supreme Court is a most reasonable one and should commend itself to the judgment of all parties. But it is of great importance that the reservation suggested by the European petitioners already mentioned, and concurred in by the British Indians, should be embodied in any legislation following the lines of the Natal Dealers' Licenses Act. You will recall the fact that when in 1898 many licensees in Durban and Newcastle were refused renewals, the Chief Justice of Natal held that the Supreme Court had appellate jurisdiction over the decisions of the Town Councils as the licensing authority. The question was carried to the Privy Council, and their Lordships reversed the decision of the Chief Justice. But you, Sir, recognised that the deprivation of the right of appeal, on grounds of legal interpretation of the statute, was unfortunate, and on your suggestion the Natal Government issued circulars to the local authorities intimating that unless they exercised their powers with reasonable liberality the law might have to be reconsidered. This circular had a beneficial effect for some time, and, except in country places, the holders of licenses secured renewals without difficulty. But the old spirit of racial prejudice seems to have revived among the Natalians within the last year or so, owing, there is too much reason to fear, to the unexpected spectacle of Indians being treated less considerately in the new Crown Colonies than by themselves. Licenses are being refused by the municipal officers to whom applications are made, and on appeal the Town Councils are, of course, upholding these decisions of the officers they employ. As a consequence traders against whom no fault is alleged, other than the colour of their skins, are being arbitrarily deprived of their livelihood, and others are afraid to replenish their stores or develop their businesses owing to the insecurity of their tenure. In some instances counsel for the appellants have been denied the customary facilities for adequately serving their clients, copies of the record being withheld and the reasons for adverse decisions not being stated. In one such case, which came before the Supreme Court not on its merits, but on grounds of irregularity, a rehearing of the appeal was ordered, the acting Chief Justice declaring that the action of the Town Council had been oppressive, unjudicial, and improper. Mr. Justice Mason was no less emphatic in his condemnation; he said he

The need for appellate jurisdiction.

Renewed difficulties in Natal.

"considered the proceedings under appeal were a disgrace to the Town

Council, and he did not hesitate to use this strong language. He considered under the circumstances that it was an abuse of words to say there had been an appeal to the Town Council."

The Indian traders are ready to comply with the strictest regulations it may be deemed necessary to impose on sanitary and public grounds, but they claim that when all reasonable legal requirements are fulfilled they should be given the same facilities to earn a livelihood as other citizens possess and that those of them who hold licenses ought not to labour under the constant dread of dispossession of their businesses without any possibility of selling the goodwill. The present Attorney-General of the Colony told the Durban Town Council on one occasion that he disagreed with the policy adopted; he would not be a party to the "dirty work" and he added that when sitting as a Court of Appeal the Council should, unless there were good grounds to the contrary, grant the licenses. Many other fair-minded Natalians admit that the Dealers' Licenses Act is defective in not giving appellate jurisdiction to the Courts of Justice, and I would strongly urge that there should be no repetition of this mistake in the forthcoming legislation for the Transvaal. I am also of opinion that the licensing law should apply to all traders without distinction of nationality, in accordance with Lord Milner's pledge not to legislate on the lines of race or colour.

Exclusion from municipal franchise.

18. Given the safeguard named, Indians in the Transvaal cherish the confidence that they will be justly and reasonably dealt with by the municipal bodies. Does not this fact belie the assertion that existing harsh measures are necessitated by the state of public feeling? This confidence in local bodies is the more noteworthy since the Indians themselves are not to be allowed the municipal franchise freely granted to their fellow-countrymen in the neighbouring self-governing Colonies. The draft Ordinance for the regulation of municipal elections, introduced into the Transvaal Legislative Council, followed the Cape and Natal laws in drawing no race or colour line for the franchise, which was to be conferred upon all possessing the requisite property qualifications and able to pass an education test confined to a knowledge of either the English or Dutch language. But yielding to the pressure of the White League and the representations of a majority of non-official members, the Government agreed to restrict the municipal franchise to white British subjects. An Indian petition against the alteration was unavailing, and Lord Milner has given his assent to legislation thus wholly inconsistent with the declaration in his despatch that "the policy of the present Government is not directed against colour or against any special race." To be deprived of the slightest voice in the conduct of civic affairs on no other ground than that of colour is an indignity in no way justified even by the practical considerations calculated to appeal to racial selfishness, seeing that the numerical ratio to white population of the small minority of Indian residents possessing the property and educational qualifications is infinitesimal, so that there is not a shadow of a shade of fear of Indians dominating the elections or being sufficiently strong to turn the scale as between rival parties in the municipalities. And in face of this Ordinance what becomes of Lord Milner's undertaking "to exempt Asiatics of a superior class from all special legislation"?

Offensive classification of British Indians.

19. Still more objectionable and offensive is the Ordinance the new Legislature has had under consideration for the Suppression of Immorality. To the general principles of the Ordinance no right-minded citizen can take exception, but in one of its definitions serious injustice is done to the Indian subjects of His Majesty. Special penalties are imposed in respect to certain crimes if committed by "any Native," and that term is defined in sub-clause 5 of clause 19 as applying to a "person manifestly belonging to any of the Native or Coloured Races of Africa, Asia, America, or St. Helena." No races of mankind, whatever their state of civilization, are freer than Indians from the crimes specified in the clause, so that the Ordinance can have no terrors for those of them resident in the Transvaal. But they are righteously indignant at being bracketed in this connection with uncivilized or semi-civilized African tribes and with American negroes, cases of whose lawless gratification of sensual passion have from time to time led enraged citizens of the Southern States to resort to the dread retribution of lynch law. Such degrading association with semi-savage, backward and demoralised peoples exceeds in offensiveness any of the enactments or executive measures of President Kruger's Adminis-

tration. Upon the publication of the Ordinance a petition against the definition was presented to the Lieutenant-Governor by the British Indian Association. On July 4th, when the Ordinance had only been read a first time, the Association was informed in reply that "it is not now possible to alter the section complained of," and that "the wording is taken from clauses of similar enactments in other Colonies." Enquiries since made have shown that no such offensive definition occurs in the Cape or the Natal Acts dealing with the subject; in fact, neither Act applies to British Indians. Sir Arthur Lawley's reply to the petition further intimated "His Excellency hopes that you will accept the phrasing in the sense in which it is meant, and that it is not intended to bracket British Indian subjects as suggested by you." This statement, though sympathetic, does not solve the difficulty or remove the indignity, and if the latter is unintentional it is not easy to understand why the offensive phrasing could not be amended during the committee stage on the Ordinance.

Petition against the definition.

20. I have not yet exhausted the proofs within my knowledge of the reactionary policy of the Transvaal Administration, but the cumulative effect of the points to which I have directed your attention must be to satisfy any impartial reader that the tendency has been to yield to extremists belonging to the White League, with the result of stultifying the pledges of just treatment under the British flag repeatedly given to the Indian peoples, and also some of the professions made by the Ministry when entering upon the late War. That the Government of India are of this opinion is shown by the demands for modifications of existing legislation they have put forward as essential to their compliance with Lord Milner's urgent appeal for 10,000 coolies to work on the new railways under indentures ensuring repatriation. As will have been made clear from preceding observations, those demands, set forth in your despatch to Lord Milner, dated May 23rd last (Cd. 1683) have my most hearty approval, though I am by no means prepared to say that the rights claimed should be purchased at the price of compulsory repatriation of indentured coolies. To abolish the registration of Indians, substituting a measure for keeping out "undesirables"; to apply the location law only to those for whom it is required on sanitary grounds; to permit business to be carried on outside locations; to replace existing restrictions on the acquisition of real property by Asiatics by a general law against speculative acquisition; and to exempt, not merely in name but in practice, better class Asiatics from all special restrictions, Indian servants being allowed to reside with them—each of these concessions to justice and reason are required if the Transvaal Government are to fulfil the pledge not to pursue a policy "directed against colour or against any special race." They constitute the absolute *minimum* of changes needed to restore to British Indians rights the abrogation of which is wholly inconsistent with the solemn and repeated assurances of the Crown. They in no real sense impinge upon the necessity the Transvaal Government declares itself to be under "of preventing people of a higher degree of civilization, whatever their race or colour may be, from being degraded by enforced contact with people of a lower grade." Any modification of these most moderate demands (which are also understood to have been the basis of negotiation with the Natal Commissioners who visited India last winter) by the Indian Government would be most strongly resented both by Indian and Anglo-Indian opinion. That Lord George Hamilton and Lord Curzon, as the trustees of the rights and liberties of the Indian peoples, are in a position to lay down terms is highly gratifying since a new and favourable factor in the solution of the British Indian question is thereby introduced. Lord Milner recognises this in his telegram of May 12, in which he states that the provision of Indian labour for the railways would "greatly facilitate a reasonable settlement" since it would "tend to remove some of the intense local prejudice against Indians." This is tantamount to an admission on Lord Milner's part that the best way to remove prejudices is not to resort to repressive legislation, but to give the inhabitants of the new Colonies an object lesson on a considerable scale as to the sobriety, industry and general good behaviour of Indian coolies working in large gangs. We have here an indirect confession of the needlessness of the legislation to which exception has been taken.

The demands of the Indian Government.

21. In your despatch* to Lord Milner respecting his proposal you observe that the introduction of coolie labour for the railways would "benefit all classes and sections of the population of the new Colonies," and that as the scheme hypothecates the return of the labourers to India within the period of their indentures, "it is not

The repatriation question.

* No. 2 in [Cd. 1683].

open to many of the objections which have been entertained and strongly urged by certain sections of the European population to the employment of Asiatics in the mines and elsewhere." Personally, I am not able to agree with the view that, without exception, the coolies should be compelled to return to India. Lord Milner is clearly of belief that their introduction is essential for saving the Colonies from the financial embarrassment which the non-development of resources, consequent upon inadequacy of labour supplies, threatens to bring about. But if the coolie is to be the economic saviour of the Colonies it is only reasonable that in some cases at least he should have the option of becoming domiciled in the land to which he will have rendered such inestimable service. Is he not entitled to share permanently, if he so desires, in the prosperity he has been instrumental in building up? In this connection I may refer you to the fair-minded attitude of Mr. James R. Saunders, a member of the Natal Commission on Indian Immigration in 1887. What he then wrote of Natal is applicable in every respect to the Transvaal at the present time. Mr. Saunders said:—

A colonial protest against compulsory repatriation.

> "Though the Commission has made no recommendation on the subject of passing a law to force Indians back to India at the expiration of their term of service unless they renew their indentures, I wish to express my strong condemnation of any such idea, and feel convinced that many who now advocate the plan, when they realise what it means, will reject it as energetically as I do. Stop Indian immigration and face the results, but do not try to do what I can show is a great wrong. What is it but taking the best of our servants (the good as well as the bad) and then refusing them the enjoyment of their reward? Forcing them back (if we could, but cannot) when their best days have been spent for our benefit. . . . . Shylock-like taking the pound of flesh, and Shylock-like, we may rely on its meeting Shylock's reward. Stop Indian immigration if you will; if there are not enough unoccupied houses now, empty more by clearing out Arabs and Indians who live in them, and who add to the productive and consuming power of a less than half-peopled country. . . . . But force men off at the end of their term of service—this the Colony cannot do—and I urge on it not to discredit a fair name by trying."

I may also be permitted to call your attention to a more recent testimony of a prominent Natalian, in favour of the Indians. In his evidence before the Transvaal Labour Commission at Johannesburg, Sir James Hulett stated that the introduction of Indians had been good for Natal. Without the importation of Indians there would have been no cultivation and hardly any population in the coast ports. The whole cultivation depended upon a plentiful supply of labour. It is only right to add that Sir James said he favoured either reindenture or repatriation, but this does not detract from the value of his testimony as to the benefits Indian labour has conferred on the "garden Colony," and, consequently, as to the claims the coolies have established to fair and reasonable treatment.

22. The British Indians in South Africa are strongly opposed to Lord Milner's proposal, and I am assured by correspondents there that they are not prepared to buy equitable treatment at the price of the stipulation the High Commissioner lays down as the basis of his scheme. A leading member of the community writes me:

> "It is one thing (and quite legitimate) for the Indian Government to refuse to send Indian labour at all unless our grievances are redressed, but quite another to accommodate the Transvaal to the extent of depriving the indentured men of their right to settle in the country and reap the fruit of their years of toil. If we could only secure better treatment at such a price we would rather not have it."

Proposed limited option of settlement.

Undoubtedly if return to India was made an optional matter the bulk of the labourers would go back to their homes and kindred. But there would be others who, having given some of their best working years to South Africa, would desire to remain in the country whose prosperity they had assisted in building up. It may be that in the state of Colonial feeling wholesale freedom of choice is impracticable. But there should be no difficulty in making arrangements whereby coolies specially selected for their good qualities could be given the option of remaining after their contract

is at an end, allotting to them, if thought desirable, small holdings of land in particular areas. This plan, while not involving a large permanent addition of Indians to the population (since the majority of the coolies would return to their native land) would remove the slur on the Indian labourers implied in the assumption that even the best of them must not, under any circumstances, be domiciled in South Africa. It would go some way to remove the incongruity you had in mind when you asked in the House of Commons: "Is there to be free trade in everything except labour?" Indeed your opinion would seem to be that compulsory return in all cases is not likely to be insisted on by the white Colonists when they see the advantages Indian labour will confer. In the same speech you said that when an arrangement of this kind was put into operation in the West Indies, it eventuated not merely in indentured temporary labour, but in a considerable number of "peaceful, industrious, and thrifty subjects" from India being permanently established in some of the islands where their labour was required. I am hopeful, therefore, that you will not be unfavourably disposed to plans under which repatriation would not be compulsory in each and every case.

Protection of Indians from assault.

23. Lord George Hamilton has just described to you the position of British Indians in the two new Colonies as "most unsatisfactory," and the demands of the Indian Government are, of course, designed to remedy that state of things. I doubt whether they will adequately do so, unless in relation to all sections of the Indian community we have concurrently those "guarantees of good treatment" Lord Milner has undertaken to give in respect to the indentured coolies (*vide* his telegram of May 12). The anti-Asiatic legislation of the Government has had the natural effect of producing in the minds of certain sections of the white population and of many subordinate officials the belief, present if unexpressed, that even the common liberties of the subject still accorded British Indians by law may be denied them with impunity. Scarcely a mail passes without bringing me details of instances of individual oppression or violence—now a case of brutal assault, resulting in the severe injury, or even the death, of the victim; next particulars of the arbitrary or illegal confiscation of trading rights or property; at another time refusal to allow a Mahomedan priest to enter the country even for the purpose of performing the religious rites and giving the religious instruction the members of his community required; or an arbitrary decision as to the custody of a sacred building; and again the ever-recurring question of excluding respectable Indians from the footpaths. These are but samples of cases in respect to which I am communicated with from all parts of South Africa. In a number of instances I have brought the complaints to your notice, and you have kindly instituted inquiries. Rarely has it happened that the official explanations ultimately reaching the Colonial Office have satisfactorily disposed of the complaints, as any impartial person reading the correspondence would admit. Sometimes they have been inconsistent with the reports of the occurrences printed in local journals much more likely to minimise than to exaggerate the grievances of Indians; at others their improbability has been such as to border on the ludicrous; and in certain cases they have indicated marked indifference to Indian grievances on the part of local officials.

The Natal case of Rex v. Kennedy

24. I am reluctant to make further demands upon your patience and therefore will only refer, by way of illustration to two cases. On June 2nd, Sir Henry McCallum forwarded you a report from the Acting Assistant Magistrate, Klip River, respecting the death of an Indian fireman named Ayasamy. Coming to his work the worse for drink, as is alleged, he was pushed out of the boiler room by the electrician in charge, Thomas Kennedy, and shortly afterwards he was found lying outside the door seriously injured. He died before the arrival of the District Surgeon, whose evidence, when Kennedy gave himself up and was charged with manslaughter, was to the effect that death was probably caused by a fall during which the sharp point of one of the handles of an iron wheelbarrow penetrated the deceased's chest. The reports of the proceedings in the *Natal Witness* of March 12th, 14th and 16th, 1903, show that, after a preliminary examination, the Clerk of the Peace, who prosecuted for the Crown, stated that he had submitted the papers to the Attorney-General with the recommendation that the accused should not be committed for trial, and the Attorney-General approved of his view. Thereupon the Magistrate discharged the accused without uttering one word of warning or reproof. Now I am not prepared to call in question

question the justice of the decision, but as, on the admitted facts, the push given by Kennedy was at least the indirect cause of the death of the coolie, it seems to me that the case was sufficiently supported by evidence and sufficiently serious to be sent up to a higher tribunal for trial. The one anxiety of everyone concerned seemed to be to get the accused off, and he was discharged by the Magistrate in an almost flippant way. Anything savouring of perfunctoriness in a case of this character is only too likely to encourage brutality on the part of the white workmen of South Africa towards their coloured subordinates, and certainly does not tend to give Indian labourers the protection from unjustifiable assaults nominally accorded to them under the law.

The Johannesburg footpaths case.

25. The other case to which I wish to allude is that dealt with in Lord Milner's despatch to you, dated 10th July, in which it is stated that the action of the police in ordering the Chairman of the British Indian Association and four other Indian gentlemen off the public footpath at Johannesburg, was necessitated by their "blocking the footpaths by walking abreast" and refusing, when requested, to keep to the right hand side. I cannot conceive of the five gentlemen in question being so foolish as to behave in the manner indicated, seeing that under the laws of the Transvaal they are amongst the "coloured persons" prohibited from using the footpath, and in practice, respectable Asiatics of their stamp are only permitted to walk along them on sufferance. Men whose liberties are curtailed do not wantonly throw away the limited rights they are allowed, on sufferance, to exercise. This grievance is not confined to the Transvaal, for many of the municipalities both in Cape Colony and in Natal treat British Indians as on a level with the Kaffirs by interdicting their use of the public paths. This humiliating restriction, like many others in existence, cannot be defended either on sanitary or economic grounds, and seems designed for no other purpose than to make the life of the Indian in South Africa as intolerable as possible.

The Natal and Cape regulations.

26. While I have, in the foregoing remarks, directed your attention to the many respects in which the treatment Indians receive in the self-governing Colonies of the sub-continent contrasts most favourably with that accorded them in the new territories, I wish it to be emphatically understood that in a number of particulars I regard the Natal and Cape laws and regulations affecting Asiatics as hurtful and objectionable. It is no answer to complaints in respect of them that the law has been passed and the question is closed. No law repugnant to British principles of justice can be defended on such a ground. The Immigration Restriction Acts of those Colonies need modification in the direction of recognising in the educational test a knowledge of the principal Indian languages, and of admitting servants, managers or other Indians who are required for employment by Indian merchants. But under the amended Act very recently passed in Natal the restrictions have been made more, instead of less, oppressive and arbitrary. The would-be immigrant, instead of simply writing out in a European language the form of application included in the schedules of the original Act, has now to write out any application that may be dictated by the immigration officer; the age of majority for the children of eligible immigrants has been summarily reduced for the purpose of the Act from 21 to 16 years; the period of residence in the Colony entitling to the grant of a domicile certificate has been raised from two years to three years; for temporary passes hitherto granted through friends or agents personal application has now to be made; and it is expressly provided that indentured service in the Colony even for five years does not constitute domicile within the meaning of the Act. The passing of this retrograde measure illustrates the extent to which injustice toward His Majesty's Indian subjects in any part of South Africa, more especially in the Crown Colonies, reacts injuriously upon their rights and liberties in other parts of the sub-continent. In so far as the anti-Asiatic laws within territories for whose administration Downing Street is responsible exceed in illiberality those of the self-governing Colonies, they constitute a direct incentive to extremists in Natal and at the Cape to agitate for equally harsh enactments. This tendency is also shown by the present position in Natal in respect to trading licenses to which detailed reference has been made. It is obvious that on this Imperial question of protecting British Indians from injustice the Crown Colonies should be in advance of, not considerably behind, the autonomous Governments.

27. The enforcement of the laws the late Boer Republic allowed to remain inoperative is admitted by Lord Milner to be tentative, and in May last he expressed the hope that the discussion of them by the Legislature would be "of considerable benefit to the Government, and even to His Majesty's Government, in finally deciding what the regulations for the control of Asiatics within the Colony ought to be." He trusted that the working of the location system "provisionally introduced" and the discussion of the matter in the Council might "lead to a reasonable compromise, which will be acceptable to His Majesty's Government, and may be embodied in a permanent law." Locations have been hastily erected and their immediate occupation has been insisted upon so that by this time the authorities should have gained the "experience" the High Commissioner desired. They are also fully aware of the rooted objections of those most directly concerned to the system "provisionally introduced." In May last Lord Milner described the still unsettled labour question as "beginning to assume a really alarming aspect," and the solution he proposed as being calculated to "greatly facilitate a reasonable settlement of the British Indian question." Both questions are serious, and the time is fully ripe for the settlement of both by the speedy introduction of the promised legislation to put the status of the British Indian on a reasonable and proper footing. But when once introduced that legislation ought not to be passed until the Government of India have had an opportunity of considering it and making representations thereon, if thought desirable; and it would also be advantageous to allow the Indian view to be expressed in the Legislature by the nomination thereto, during the period the Ordinance is under discussion, of a suitable representative of the community. That such a representative would view the proposals submitted in a reasonable light, and with due regard to the local conditions may be anticipated from a consideration of the loyal, temperate and constitutional character of the agitation carried on by the British Indians in defence of their inherent rights. Their attitude is well summed up in the noteworthy words of the closing paragraph of the memorial of the British Indian Association of Johannesburg to Lord Milner. It says:

The present position admittedly tentative.

The promised legislation.

The temperate demands of British Indians.

> "What the British Indians pray for is very little. They ask for no political power. They admit the British race should be the dominant race in South Africa. They admit the principle of restricting the influx of cheap labour, no matter from what source it may come. All they ask for is freedom for those that are now settled and those that may be allowed to come in future to trade, to move about, and to hold landed property without any hindrance save the ordinary legal requirements. And they ask for abrogation of legislation that imposes disabilities on them because they wear a brown skin. The white inhabitants, or a portion of them, do indeed ask for drastic legislation against the Indians, and they are strong. The Indians are weak. But the British Government has always been known to protect the weak. The Association humbly appeals to His Excellency to extend that protection to the community and grant its prayer."

28. I have set forth my views and convictions on the British Indian South African problem in somewhat fuller detail than I had intended, and there is some liability of points raised being overlooked in consequence of the variety and complexity of the issues dealt with. I therefore propose to very briefly focus the suggestions made by appending to this letter two parallel statements, the first showing the respects in which the advent of British rule has left the Indian community in a worse position than under the Boer régime; and the second setting forth the main grievances complained of with the remedies suggested. Neither statement will be exhaustive, for many small points must be left unmentioned and those that are enumerated can only be stated in the most summary manner. The arguments I have adduced in respect to them can, however, be readily found by reference to the marginal "pointers" I am giving. But before concluding these remarks I desire to refer, with the utmost brevity, to the broad considerations of justice and policy upon which I plead for more active intervention than heretofore by the Colonial Office to promote the fulfilment of the pledges on which in large measure the case of the British Indians rests. I hold most strongly that in regard to the Transvaal the responsibility of the Home Government, acting on your advice, in a matter of this Imperial importance ought not to be minimized by too excessive devotion to the principle you have laid down that the Colony is to be dealt with as though it were already in the enjoyment of local

General considerations.

autonomy. In relation to most domestic affairs that principle can be closely adhered to, but it is subject to considerable qualification when the questions raised affect the rights and welfare of peoples who constitute the vast majority of the subjects of the King. Local autonomy confers upon its possessors under the British flag no right to undermine the noblest traditions associated with that emblem—otherwise the term "self-government" applied to the oversea possessions of the King would be but a synonym for Imperial anarchy. No statesman of our time has done so much as yourself to weld together in the ties of interest and affection, of mutual regard and helpfulness, the component parts of the Empire, and it will be no more than a continuation and extension of that great work for you to vigourously exercise your authority and influence to bring about a speedy and satisfactory solution of this great and pressing problem. So long as it remains unsolved and undealt with, the offence given to His Majesty's Indian subjects generally by the unjust treatment their brethren receive in South Africa is retarding the work of Imperial consolidation to which, in other directions, you have set your hand. To gain for the British connection a deeper affection and regard on the part of the Colonies is a great and beneficient task, but its value and significance will be vastly curtailed if the affection of the Indian people for King and Empire is undermined by the continuance of the state of affairs in South Africa it has been my painful duty to discuss. To retain and increase that affection by redressing those grievances would be a natural corollary and a fitting consummation of the important work you have carried out and the Imperial ends you have achieved at the Colonial Office. The great confidence reposed in you by the Colonists will greatly facilitate this beneficient task, to which you are called by every consideration alike of Imperial policy and of justice and humanity. In its discharge you would, I am confident, find every disposition on the part of the aggrieved community to work for a fair and reasonable solution, and to recognise factors in the problem, whether favourable or unfavourable to themselves, which practical statesmanship cannot ignore.

Retardation of the work of Imperial consolidation.

Trusting that the urgency and importance of the Imperial problem dealt with will be held to justify the unusual length of the letter, and that my presentation of the case will be a means of securing a speedy and satisfactory solution of that problem.

Believe me, &c.,
M. M. Bhownaggree.

To the Right Honourable Joseph Chamberlain, M.P.,
His Majesty's Principal Secretary of State for the Colonies.

Statement A.—Comparison of Position of British Indians in Transvaal under Boer and under British Rule.

Before the War.	Under British Rule.
Indians were free to enter the country without restriction.	No immigration permitted other than of *bonâ fide* refugees who left on the eve of the war, and they are only admitted gradually and after long delay for the consideration of their applications.
Payment of registration fee not required.	Registration fee of £3 payable annually, on pain of fine not exceeding £100, or imprisonment for not more than six months.
Trading in any part of the country permitted without license, in most cases simply as against nominal tender of license money.	Trading outside locations interdicted, excepting in the few cases in which the trader was called upon to take out license by late Boer Government. This annuls many existing licenses, and, by abrogating the right of transfer, constitutes confiscation of the marketable rights of sale of business universally recognised in civilized countries.

Residence in any part of the Republic permitted.	All Indians compelled to reside in locations, excepting those who, by passing educational test in a language other than their own, succeed in obtaining exemptions, grant of which is left to discretion of local officials.
Landed property could be held in the names of Europeans.	The law against Asiatics holding real property strictly enforced, even in cases where land is required for religious buildings.
Indians held 99 years leases for property in the Johannesburg location.	The owners of the leases expropriated under Insanitary Area Commissioners' Report, without receiving guarantee of receiving equal title elsewhere in Johannesburg in a suitable position.
No separate inquisitorial Asiatic department.	Asiatic Office established, but does not do away with approach to other departments ; is arbitary in procedure and delays the settlement of individual applications, etc.
Freedom to travel in the Republic.	A vexatious system of photographic passes established without warrant in law.

AND GENERALLY :

Many harsh legislative restrictions allowed to remain inoperative, owing largely to British intervention.	Inoperative Boer enactments brought into force, and rendered more stringent by Ordinances or executive orders, and British Indians offensively classed in legislation with Kaffirs, savages and semi-civilised races.

Statement B. Summary of Grievances and of Suggested Remedies.

IN THE TRANSVAAL :

Grievances.	*Suggested Remedies.*
Obligation to live and trade exclusively in bazaars, save in the cases of possible exemption dealt with in paragraphs 11, 12 and 13.	Failing entire repeal of location law, necessity for which is not proved, it should be applied only to the coolie and labouring classes. The trader, whether large or small, should not be required to apply for exemption, as that involves his compulsory residence in location until exemption is obtained. If any educational test is called for, it should be confined to immigrant's knowledge of his own language.
Confiscation of trading rights under location Notification, save in a very limited number of cases in which value of continuation of town trading rights is largely nullified by absolute non-transferability.	Existing licenses to be maintained and the local authorities to be granted powers, as in Natal, to deal with new applications, subject however to a right of appeal to the Supreme Court.
Prohibition of the holding of real property.	Replacement of this law by a general enactment against speculative acquisition.
Interposition of Asiatic Office, delaying but not obviating approach to other departments ; limitation of travelling rights by system of photographic passes ; heavy annual registration fees ; harsh application of the Permit Law.	To be abandoned, the Colony being protected from undesirable immigration by a general law, similar to those in force in the self-governing Colonies, but subject to amendments proposed under the heading "Natal" on the next page.

Exclusion of possessors of requisite property and educational qualifications from municipal franchise ; and offensive classification of Indians, for certain offences, with savage and semicivilized races.	To be annulled.
Proposed compulsory repatriation of indentured coolies for the railways.	Limited option to be granted to selected coolies to remain in the country, men of specially good character being granted small allotments of land.

And Generally :

Complete recasting of the laws and executive orders of the Transvaal to give effect to Lord Milner's pledge to "exempt Asiatics of a superior class from all special legislation" and of maintaining a policy "not directed against colour or any special race." A competent member of the Indian community to serve on the Legislative Council during the consideration of promised amendment of the law ; and the opinion of the Government of India on proposed new provisions to be obtained.

IN ORANGE RIVER COLONY :

Complete interdiction of Indian immigrants other than labourers, and stringent application of a location law.	To be annulled, and the laws affecting the rights and status of British Indians to follow the lines proposed for the Transvaal.

IN NATAL :

Exercise of appellate jurisdiction of Municipalities over the decisions of their own licensing officers.	Appellate jurisdiction to be exercised by the Supreme Court.
Unnecessary enhancement of disabilities under the Immigration Restriction Act as recently amended, including the fixing of age of majority at 16, and increased stringency of education test.	Restoration of 21 as age of majority. Literary knowledge of an Indian vernacular to be recognised as an education test, and servants, store-keepers, managers, &c., required by Indian merchants or any other residents for domestic or business purposes to be admitted.

IN CAPE COLONY :

Restrictions imposed by Immigration Acts.	To be modified, more particularly in respect to the education test.

IN SOUTH AFRICA GENERALLY :

Prohibition of the use of public footpaths, and other restrictions of personal liberty.	Abandonment of all distinctive restrictions not called for on sanitary or economic grounds, or those of the public welfare and convenience.
Inadequate protection in actual practice from unprovoked assault, &c.	The maintenance by the Legislatures and the Courts of the principle of the rights of all classes to State protection of person and property, irrespective of race or creed, according to the pledges laid down in Sir G. Napier's Proclamation of 1843, quoted in paragraph 4.

No. 2.

GOVERNOR VISCOUNT MILNER to MR. LYTTELTON.

(Received May 7, 1904.)

SIR,

Governor's Office, Johannesburg, April 18, 1904.

I HAVE the honour to enclose a despatch from the Lieutenant-Governor of the Transvaal, in which he reviews the whole position as regards British Indians. Of course, the proposed legislation on this subject will not apply to British Indians only, but to Asiatics generally. At the same time it is the fact that the majority of Asiatics in this Colony are British subjects from India, and it is owing to this fact that the Government of the Transvaal is placed in a position of peculiar embarrassment in dealing with the Asiatic question.

Sir Arthur Lawley has stated so fully the extent and the causes of the strong anti-Asiatic feeling among the European population of this Colony, that I need not myself dwell upon that factor in the problem. I can only say that I agree with Sir Arthur Lawley's statements with regard to it, and believe that he has not in any way exaggerated the caution with which, in view of this feeling, it behoves the Government to approach legislation on the subject of the status of Asiatics.

I must frankly confess that I am greatly disappointed with the position in which I find myself placed in this matter. I have always felt, as strongly as anyone, the necessity of preventing an indiscriminate influx of Asiatics into this Colony, and I agree with all that Sir Arthur Lawley says as to the danger to the white population, and indeed to the whole political position, which such an influx would involve. We need a great increase in the white population of the new Colonies, and it is obviously desirable that this increase should be mainly British. But it is just with the British townsman that the Asiatic trader, who has flooded Natal, and who would certainly flood the new Colonies if he were allowed to, most seriously competes. But while upholding the policy of restrictions on Asiatic immigration, I always hoped to be able to carry it out in a manner sufficiently considerate of the feelings of our Indian fellow-subjects, and of the difficulties of the British and Indian Governments in the matter, to mitigate, if not altogether to remove, the objections which any system of restriction was certain to excite. In particular, I thought it would be possible, by giving to Asiatics of a superior class a special status, and treating them virtually like Europeans, to avoid, at any rate, the appearance of race legislation. I still believe that this would be the best course. I believe that, if the European, and especially the British, population in this country could be induced to see the matter in a reasonable light, such a course would provide not, indeed, a perfect, but a fairly satisfactory, solution of the difficulty. It is not, in my opinion, an influx of Asiatics of the upper and middle classes (professional men, and merchants as distinct from small traders) which really threatens this community. If by treating this class liberally, we could induce the Government of India to acquiesce in the virtual exclusion of the petty trader class, who are out of place here, and at the same time to agree to the introduction, under conditions ensuring their ultimate return to their native country, of Indian labourers, whom we greatly need, and who could earn in this country such wages as they can obtain nowhere else in the world, I believe that the arrangement would be beneficial both to the Transvaal and to India.

This view is consistent with the opinions which I hold on the coloured question generally. I think that to attempt to place coloured people on an equality with whites in South Africa is wholly impracticable, and that, moreover, it is in principle wrong. But I also hold that when a coloured man possesses a certain high grade of civilisation, he ought to obtain what I may call "white privileges," irrespective of his colour. I have, on more than one occasion, given expression to these views. They are very unpopular in the Transvaal at the present time, but I do not despair of their ultimately prevailing.

For the present, however, there is no prospect whatever of their prevailing, certainly as far as Asiatics are concerned. There is, perhaps, more chance in the case of the coloured people of South African birth. And no doubt their claim is a stronger one, inasmuch as they are natives of the country, and have no choice but to live here, while the Asiatics are strangers forcing themselves upon a community

reluctant to receive them. Be that as it may, I am satisfied that it would not be possible for the Lieutenant-Governor and the Executive Council of the Transvaal, in view of the almost unanimous opposition of the white population, to introduce legislation more favourable to Asiatics than that which is now proposed. This legislation does carry out, to a certain extent, the idea of creating a category of "exempted" Asiatics, *id est*, of relaxing, in the case of Asiatics of the better class, most of the personal restrictions imposed upon Asiatics generally. But it is very far from putting "exempted" Asiatics on the same level as Europeans, as personally I should like to put them, and as I at one time hoped, not only with the view of meeting the wishes of the Government of India, to be able to put them.

There is another respect, in which the proposed legislation with regard to Asiatics, as sketched by Sir Arthur Lawley, falls short of what I have, in previous communications, and notably in my telegram of the 1st February, indicated as being the length to which the Transvaal Government was prepared to go in meeting the wishes of the Indian Government. I refer to the question of allowing Indian as well as European languages to be used in the education test, to which would-be immigrants are to be subjected. Sir Arthur Lawley and the Executive Council now think, and I am disposed, on reconsideration of the point, to agree with them, that, in making this concession, we should be going too far. I am not sure that it would not result in the admission of a very large number of Asiatics of the class whom it is desirable, as far as possible, to exclude. But apart from that, there is another and a very serious difficulty, which I admit did not occur to me in the first instance, but which was suggested by your telegram of the 7th March,* and that is that, in admitting Indian languages, we should be departing most seriously from the provisions of the Immigation Laws of both the Cape Colony and Natal, and breaking down the principle of uniformity of action with regard to the immigration question between the different Colonies. This would, in my opinion, be a most serious evil. Moreover, we have, on many occasions, declared our intention of passing an Immigration Act framed on the same lines as those of the two self-governing Colonies. If the Government of the Transvaal were to introduce into the Legislative Council an Immigration Ordinance differing materially from those of the sister Colonies, and above all, differing from them in the direction of giving greater encouragement to Asiatic immigration, it would have to face such a storm, both in the Legislative Council and outside, as it has never had to face yet, even on this subject, and it could only carry the proposal, so to speak, at the point of the bayonet.

It is quite true that, in the present state of public feeling, any proposal whatever for dealing with the position of Asiatics, short of the absolute exclusion of future immigrants and the relegation of the Asiatics already in the country to bazaars selected for them by the local authorities, will meet with much opposition, and may have to be carried in the Legislative Council by the votes of the official members alone. But on such a question as that of dealing fairly with the Asiatics already here, I should not scruple to employ, though I should regret the necessity of employing, the official majority to vote down popular opposition. We are entitled to use that majority in order to enable us to carry on the ordinary work of Administration, and to ensure the safety and good government of the Colony as long as we are responsible for them. We are entitled to use it to fulfil our obligations, and to do justice to even the most unpopular section of the community. But when it comes to a question, not of some administrative act of immediate necessity, or of the fulfilment of a particular obligation, but of permanent and organic legislation, then I think that the principle, so often enunciated by His Majesty's Government, of dealing with the Transvaal, though a Crown Colony, as if it were self-governing, applies. That being so, while we should be justified in legislating, even contrary to public opinion, to protect the vested rights of Indians already here, we should not, in my judgment, be justified in regulating the Asiatic question, in so far as it is, *res integra*, in a manner opposed to the views of the vast majority of the European population. And certainly it requires no referendum to ascertain those views with regard to Asiatic immigration or the status of Asiatics. No doubt, even if this were a self-governing Colony, His Majesty's Government would refuse assent, as it has done in the case of other self-governing Colonies, to legislation involving manifest injustice to any race of men or grossly conflicting with the principles of Imperial policy as regards His

* Not printed.

Majesty's British Indian subjects. But legislation, such as is now proposed by Sir Arthur Lawley and the Executive Council of the Transvaal, is yet not legislation which, if adopted by a self-governing Colony, His Majesty's Government would demur to. It is, indeed, far more favourable to the Indians than any legislation likely to be passed here when this Colony obtains responsible Government, though I believe, if passed now, no Ministry holding power under a system of responsible Government will care to interfere with it.

I ought, perhaps, to state definitely, though I think it is sufficiently clear from Sir Arthur Lawley's despatch, that it is the intention of the Transvaal Government, if you approve, to introduce, in the forthcoming Session of the Legislative Council, two measures bearing on this subject:—

I. An Immigration Ordinance on the lines of the Acts passed in the Cape Colony and Natal. This Ordinance, though applying to immigrants generally, and not expressly directed against Asiatics, will, in practice, have the effect of limiting the influx of Asiatics of the lower class.

II. An Ordinance dealing with the status and privileges of Asiatics already resident in the country, or who may hereafter become resident here.

The provisions, which it is intended that this latter Ordinance should contain, are clearly laid down in the enclosed despatch from Sir Arthur Lawley.

The immediate object of my present communication is to ask whether His Majesty's Government would be prepared to approve of the Transvaal Government introducing legislation on these lines in the next Session of the Legislative Council. Whatever difference of opinion there may be with regard to this question, no one, who has been resident in this country during the last two years, would be inclined to doubt, that some immediate settlement is absolutely necessary. The present uncertain condition of affairs is bad for everybody. It exasperates the European population against the Asiatics, while the Asiatics themselves are subject to the most harassing and unfair uncertainty as to their future prospects. The controversy has now lasted incessantly since the first establishment of British power in the Transvaal, and I have no hesitation in saying that every month that it lasts makes it more difficult for the Government to carry any measures which are even moderately favourable to the Asiatic population. No doubt the feeling against them has been greatly aggravated by the recent outbreak of plague in the coolie location in Johannesburg. Had that outbreak been of a more serious and protracted character, the position would have become very grave. I think it would have required a stern exercise of the powers of Government to prevent the white population, especially in the smaller country towns, from taking the law into their own hands, and attempting at once to force all Asiatics, regardless of social position or vested rights, into locations selected by the local authorities, which would, in many cases, have been wholly unsuitable for their reception. This fever of excitement is now subsiding, but the permanent effect of the plague outbreak in confirming the anti-Asiatic sentiment throughout the country cannot be ignored. Even before the plague broke out, the anti-Asiatic agitation was steadily gathering force. That agitation will, in my opinion, go on and grow more and more formidable unless the position is cleared up, as it only can be cleared up, by fresh legislation.

But, while asking for the assent of His Majesty's Government to the proposed Ordinances, not because I think them good, but because I think them the best we can carry, and because any definite settlement of the question would be better than the present chaos, I can hardly expect that these measures will satisfy the Government of India. It is deeply to be deplored that the Government of India should refuse to permit its subjects of the labouring class to come to this country, where they might earn in a few years, and with a certainty of good treatment while here, wages which would relieve them from poverty for the rest of their lives. But if, in the opinion of the Government of India, it is impossible to allow coolie immigration into the Transvaal, unless the Laws of the Transvaal with regard to Indians generally are framed in a liberal spirit, then I fear there is nothing for it but for us to renounce, for the time being, the hope of coolie immigration.

If my opinion could be expected to carry any weight with the rulers of India,

I should strongly advise that, notwithstanding what they must consider the unsatisfactory character of our Asiatic legislation, they should, nevertheless, not prohibit the immigration of Indian coolies into this Colony. And I should do so on the ground that, while such immigration would benefit the coolies, the refusal to allow it could not possibly be of advantage to any other class of Indians. This, however, is only the expression of my personal views. I do not suppose that the Government of India is likely to share them. But, while regretting the probable failure of our attempts to meet the Government of India in this matter, I feel that, coolies or no coolies, it is necessary for the peace and good government of this Colony to get the question of the status of Asiatics settled without much further delay. And as the settlement now proposed by Sir Arthur Lawley is, in my opinion, the best we can arrive at without flying in the face of the whole white community, and causing a serious strain to the good relations of this Colony with the Mother Country, I strongly recommend His Majesty's Government to allow us to carry it into effect.

I have, &c.,
MILNER,
Governor.

Enclosure in No. 2.

LIEUTENANT-GOVERNOR, Transvaal, to GOVERNOR.

(L.G., 97/2.)

MY LORD, Lieutenant-Governor's Office, Pretoria, April 13, 1904.

I HAVE the honour to refer you to the following despatches:—

Governor to Secretary of State, Transvaal, 11th May, 1903.*
Secretary of State to Governor, 23rd January, 1904.†
Governor to Secretary of State, Transvaal, 1st February, 1904,

and telegrams:—

Secretary of State to Governor, 4th January, 1904, No. 2.
Governor to Secretary of State, 20th January, 1904, No. 7.
Secretary of State to Governor, 7th March, 1904, No. 1.
Secretary of State to Governor, 2nd April, 1904, No. 1,

regarding the status of British Indians in the Transvaal.

The necessity for introducing legislation with regard to the status of Asiatics, and particularly British Indians, residing in the Transvaal becomes more urgent every day. Two incidents have recently occurred which have an important bearing on the whole question.

Having decided that all Asiatic traders should be removed to bazaars set apart for them in the various towns, with the exception of those who had *bonâ fide* established businesses before the outbreak of war, the Government refused to issue licences to certain traders who had not complied with the condition of removal into a bazaar.

In so acting the Government relied on the provisions of Law No. 3 of 1885.‡ The validity of their action has now been challenged, and a test case will shortly be brought into the Supreme Court to decide whether under that Law the Government have power to prohibit trading and residence except in places pointed out by the Government.

I am advised by the Attorney-General that in his opinion the decision of the late High Court on this point will probably be reversed by the Supreme Court, and that it will be impossible for the Government to carry into effect the restrictions upon Asiatics in regard to trade and residence which they deem necessary.

The second incident which has brought the whole question into prominence is the outbreak of bubonic plague in the location set apart for Coolies in Johannesburg.

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* Printed in [Cd. 1684].
† No. 1: the other papers are not printed.
‡ Translation printed at page 57 of [C. 7911], September, 1895.

The Government have already experienced the greatest difficulty in securing the assent of the local bodies in the various towns to the establishment of bazaars within the municipal area, and it has been necessary for them to over-ride the prejudices of the local authorities, and insist that the sites for these bazaars should be easily accessible and suitable for trading purposes. The clearest indications are already apparent that, in consequence of the outbreak of plague in Johannesburg there will be most bitter opposition from the white residents to any settlement of this question which is not based on the location of Asiatics in bazaars outside the towns. What was before merely a difficulty has now, owing to the outbreak of plague, become almost an impossibility.

Owing to these two incidents the question has become intensely acute, and I would, therefore, urge upon Your Excellency the desirability of securing the consent of His Majesty's Government to the introduction during the next Session of the Legislative Council of a measure embodying the policy laid down by the Transvaal Government in Government Notice No. 356, of 1903,* and referred to in your despatch to the Right Honourable the Secretary of State of the 1st February, 1904.

The legislation which it is proposed to introduce would contain the following provisions in regard to Asiatics, which term is taken to include British Indians:—

1. It is proposed to exempt from the necessity of residing in a distinct Asiatic quarter those Asiatics who satisfy the Colonial Secretary that they are possessed of intellectual attainments, social qualities, and habits of life such as to fit them for a mode of living in accordance with European ideas.

Asiatics to whom such exemption is granted will have the right to live anywhere. If they come under the category of the next succeeding Section (2) they will be allowed to trade outside bazaars, but otherwise not.

They will be exempt from registration; otherwise they will not be exempt from the existing disabilities on coloured people.

Servants of exempted Asiatics will be allowed to live with their employers.

2. In regard to Asiatics already here, the vested interests of those who had established businesses here before the war will be recognised and licenses will be renewed to trade under the same conditions during the residence in this Colony of the licensee; that is to say, it is not proposed to disturb those traders who had been allowed to establish themselves here before the war.

3. With the two exceptions above enumerated all Asiatics living within municipal boundaries will be required to live or trade within bazaars set aside for the purpose. All Asiatics will be prohibited from holding land outside bazaars, but this prohibition will not apply in respect of land which is now set aside, and used for religious purposes.

4. All Asiatics entering the Transvaal shall, unless specially exempted, take out a certificate of registration at a charge of £3.

5. It is not proposed to put any restriction on the issue of hawkers' licenses, provided that sanction is given to the introduction of an Ordinance which will limit as far as possible the immigration of this class of Asiatic.

I realise very fully that legislation of such a restrictive nature may not at first sight commend itself to His Majesty's Government, but the events of the past twelve months have convinced every member of the Executive Council that any modification of such restrictions as are now proposed can only be insisted on in the face of most strenuous opposition by the public of this Colony. The attitude of the Commercial Community in the Colony has been made evident by constant resolutions adopted by every Chamber of Commerce throughout the Transvaal. In the course of debates which took place in the Legislative Council on the question of the granting of the Municipal Franchise to British Indians, and again, on the question of the renewal of licenses to British Indian traders, the non-official members were—with the exception of Mr. Hosken—unanimous in condemning any policy which did not impose severe restrictions on all Asiatics. The revelation of this strong feeling has impressed the

* Printed in [Cd. 1684].

Government with the hopelessness of securing the acquiescence of the public in any further concessions to the British Indian than are contained in Law 3 of 1885.

The case for the British Indians is fully stated in a letter addressed by Sir M. Bhownaggree to Mr. Chamberlain, dated the 15th September, 1903,* which will doubtless be before His Majesty's Government when this matter comes up for consideration.

It is I think desirable that if possible the sentiments of the white population in regard to this matter should at the same time be clearly understood. I have no hesitation in saying that in all towns of the Transvaal the Asiatic question overshadows all others, and I fear that unless we are able to reconcile the opinion in England with the opinion held in this country the Government will be landed in a serious deadlock.

I do not seek to justify the prejudices which exist; I merely desire to set them forth.

They cannot be ignored. They have got to be reckoned with.

It is true that the British Government have laid down:—

> "that there shall not be in the eye of the law any distinction or disqualifica-
> "tion whatever founded on mere distinction of colour, origin, language, or
> "creed,"

but the history of South Africa has been such as to set up an impassable barrier between the European and the coloured races. The introduction and establishment of a white race into this country has only been effected after constant warfare with savage tribes, who have from time to time rebelled against the dominion of the white man. These outbreaks have invariably been accompanied by murders and outrages of a revolting description, of which many men now living have been actual eye-witnesses. These episodes cannot be effaced from the memory of any South African, and have engendered a feeling of animosity against the coloured man which cannot be eradicated by legislation.

Of course, in theory, the white residents of South Africa should easily differentiate between the uncivilised negro of South Africa and the British Indian, who has always been a temperate, law-abiding, citizen, but in the mind of the average Colonial, and particularly of the Dutch, a man is either a "white man" or a "coloured man," and the nicer distinctions of racial origin are completely lost sight of.

Under the old Grondwet the line was distinctly drawn between coloured and white. It is there stated there shall be no equality between coloured and white, and though in the eye of the law they are equal, there is not in this country one man in a hundred who would agree to recognise the coloured man as capable of admission to the same social standard as the white.

I do not urge that these sentiments are reasonable, but they imbue the mind of every South African, and find expression in the universal cry of "A white man's country." The result of any attempt to ignore them would be attended, I feel sure, with most deplorable results.

Sir M. Bhownaggree's argument is to the effect that England has bound herself by explicit and repeated promises to place her Asiatic subjects on a footing of equality with British subjects throughout the Empire; that in the Transvaal such equal rights have been denied by the jealousy of European rivals, and that the Imperial Government is bound to intervene to redeem its pledges. Such a view might easily become impressed upon the minds of the English Public, but the consequence of an attempt to enforce it in this country would, in my opinion, be disastrous. Trade jealousy undoubtedly exists, but it is really prompted by the instinct of self-preservation in the minds of the European trading community. The problem does not begin and end with a shop-keeper's quarrel, but is more far-reaching than the questions whether this country shall be governed by Englishmen or Boers, or whether its mines shall be worked by Kaffirs or Chinese.

Sir M. Bhownaggree's argument is almost entirely historical, and he begins by reciting certain specific undertakings given in this country and elsewhere. When bringing the Indian Peninsula under the sovereignty of the British Crown, the

* Enclosure in No. 1.

Imperial Government pledged itself to make no distinction in law either in favour of or against any race or colour.

In the Proclamation of 1843, preliminary to the annexation of Natal, the same principle was expressly embodied.

There would have been no difficulty in multiplying instances of such declarations. The British Government enforced the observance of these principles upon the late Republican Government of the Transvaal, and so endorsed their promises by action.

In considering the position in which we are placed to-day we must remember not only the state of opinion which existed in the earlier half of the nineteenth century on the subject of racial equality, but also the events which have happened since. Pledges such as those contained in the proclamation of Sir Charles Napier were made at a time when large sections of the British nation had not come into touch with coloured races as they have to-day. It was commonly supposed that all races irrespective of race or colour were capable of the same civilisation, and under this idea pledges were then made which the British Government has since struggled in the face of insuperable difficulties to carry out.

It was in accordance with this policy that the British Government resisted by every means in its power the imposition by the Transvaal Republic of restrictions upon British Asiatics. The British Government were merely adopting the policy which, as a matter of course, they would have adopted in any country where the rights of British subjects were being over-ridden, but I do not think that the consequences which must ultimately result from such a policy were realised at that time. To-day, the Government cannot fail to perceive the effects on the social composition of the country, which have already resulted from the concessions made to British Indians in the past, or to see clearly what will be the consequence of making still further concessions. The nature of these consequences may be learned by examining three typical examples—Johannesburg, Pietersburg, and Natal.

In these three instances the growth of the Indian population has been very different in proportion to the difference of the facilities afforded them. In the Transvaal the Republican Government were able to obey in some degree the instincts which prompt a Colonial population to check Indian immigration in spite of external pressure from the Imperial Government. But in this country unlike countries where governments are more firmly established law was strongly or weakly administered in proportion to the pressure which the local European population were able to apply. In Johannesburg there existed a strong commercial community with a well-organised Chamber of Commerce, and a class of customers whose standard of living is exceptionally high. In this town, therefore, Indians, though numerous, never became a very important element in the population. In the centre of the town there exist indeed a few Indian shops, but the great bulk of the Asiatic population confines itself to hawking vegetables and conducting a pedlar's trade amongst the Kaffirs on the mines. The general aspect of the town is that of an European community, and would remind the visitor more of London or Birmingham than of Cairo or Bombay. But in a remote community like Pietersburg, the case is very different. While the town supports a few substantial wholesale merchants almost the entire retail trade is in the hands of Indians. There are a few large stores belonging to European merchants which are the retail depôts of wholesale establishments. In addition to these there is one retail store in the hands of a small English trader. With these exceptions, and leaving aside hairdressers, chemists, and shops of a special nature, the whole of the retail trade round the square is in the hands of the Indians. In fact, the white men supported by the trade carried on round the Market Square in Pietersburg are numerically in the minority. The town from a commercial point of view has a hybrid appearance, the Indian element being rather more prominent than the European. But the most serious feature in this town is the increasing predominance of the Indians. A long list might be furnished of small white traders who once had stores round the Square, and have now been crushed out of existence. The total white population of Pietersburg is estimated at 1684. The registers of the Asiatic Department show no less than 135 Indians almost entirely adult males, and practically all engaged in the business of store-keeping.

Sir M. Bhownaggree is evidently writing in ignorance of the existing circumstances of urban life outside Johannesburg and Pretoria when, in Section 18 of his

letter to Mr. Chamberlain, he states that if the Franchise were granted with educational restrictions:—

> "there is not the shadow of a shade of fear of Indians dominating the elections or being sufficiently strong to turn the scale between rival parties in the Municipalities."

To come now to Natal. In that Colony the presence of the Indian has had an even more injurious effect upon the growth of an European population than in such a town as Pietersburg. So prevalent is the Indian element in that country that the moment one crosses the Transvaal Border he loses the impression that he is travelling in an European country at all. Natal has an immense native population, which twenty years ago was served in the way of trade only by Europeans. Traders of this class formed an important element in the white population of Natal. To-day this class of trader has vanished altogether, and their business is now entirely in the hands of Asiatics. I hope to be able to furnish tabulated information, which will give clear evidence of the effect which Indian immigration is having upon the development of the population.

The population of the South African Colonies may be divided into three classes. There is, first of all, the class engaged in official and professional work, and in the conduct of large undertakings. In this sphere the European will always remain supreme; it is, nevertheless, open to invasion by Asiatics. On a level with those, but in a category apart, are the farmers, almost entirely Dutch in nationality, whose sphere is unaffected by Asiatic competition. Secondly, there is the class of retail traders, and small cultivators or market-gardeners. It is quite possible for the Asiatic to exclude the European from this sphere altogether. Again, on a level with this second class, but quite apart from it, are the skilled tradesmen and mechanics, whose place might be taken by Asiatics, but who can probably be trusted by combination to maintain their ground. Thirdly, there is the class of unskilled labourers. This consists exclusively of Kaffirs whose insufficient number it is now proposed to supplement by indentured Chinese coolies. For the present, if not permanently, the white man steadily refuses to share this sphere with the Kaffir races. The statesman would be more than sanguine who expected to find room in this third division for the expansion of a white population. All we can say with certainty is that the numbers which can be maintained in the first two classes are dependent almost entirely on the numbers obtainable for the third class. The direct practical and immediate way to make room for white men in this country is by additions to the labouring classes, which is the necessary foundation upon which the superstructure of the other two classes can be built. As you enlarge these foundations so the two other classes will be enlarged automatically, but not in the same ratio, for the second and larger class will increase much more rapidly than the first.

Assuming, therefore, that the first duty of statesmen in this country is to multiply homes for white men, there is every justification for the enlargement of the labouring class by the introduction of Asiatics, provided the limitation of their sphere of work to that of unskilled labour is maintained. But it is very difficult to prove that the admission of Asiatics of the second class enlarges in other directions the sphere for white men to a degree which compensates for such admission. It may lead to a slight reduction in the cost of living, and thence to a certain enlargement of the mechanic class, but no new sphere for white men is created, which at all corresponds to the space which is filled up by the intrusion of the Asiatic into the sphere of commerce and agriculture. The nett result will be that to which Natal is approximating where for 73,000 whites you have a population of 80,000 Indians, and where white men as small cultivators and retail traders have been well-nigh eliminated.

Sir M. Bhownaggree regards as most unfortunate the description of Indians of this country as "Asiatics of a low type." I have appended to this memorandum a recent correspondence in which Indian writers themselves lend colour to this observation. It is evident that it is not the Secretary of State who has been misinformed by Your Excellency, but Sir M. Bhownaggree who has been misinformed by his local correspondent. He remarks for instance that Dr. Porter's evidence as to the insanitary condition of the coolie location, and as to the danger of an outbreak of plague from that quarter:—

> "was controverted by (Dr. F. P. Marais and Dr. Johnson) medical men of "at least equal authority, and of larger South African experience."

Dr. Porter's opinion was supported by the Medical Officer of Health for the Transvaal, the Medical Officer of Health for the Witwatersrand, and Dr. Murray, a medical man of long South African experience. Dr. Johnson definitely committed himself to the opinion that plague was not likely to break out in the location (see questions 6775 and 6776 of the Johannesburg Insanitary Area Commission Report). The present outbreak of plague originated in that location. Dr. Marais, on the other hand, steadily refused to commit himself to any such opinion, and the last two weeks have appended a tragic commentary to his caution on this point. After devoted attendance on supposed cases of pneumonia in the location, Dr. Marais himself died of the same symptoms on the 18th March, the day before the outbreak was identified as Pneumonic Plague. Within a week his wife, three of his four children, and his attendant succumbed to the disease.

Again, Sir M. Bhownaggree has been led by a petition to which the signatures of forty Europeans are attached to question the belief that public opinion is intensely hostile to the Indian Community. The signatories to the petition are leading residents of Johannesburg, and while I do not question for one moment the genuine nature of their appeal, the fact must not be lost sight of that, as I have demonstrated above, the conditions of Johannesburg at the present time are such that the big European firms can well ignore the competition of Asiatic traders, and are in quite a different position from that of the European trader in the smaller towns. The difficulties experienced by the Colonial Secretary in establishing Asiatic Bazaars within reasonable distance of these towns in the face of strenuous opposition from their inhabitants point to the fact that Sir M. Bhownaggree has been strangely misinformed.

In my opinion we are face to face with a most difficult problem of modern civilisation. The British Empire is now so extended as to include countries typical of every climate; it contains large tropical tracts, some, like India, thickly peopled, others, like Central Africa, almost destitute of population, both alike incapable of becoming the permanent home of a white nation. It likewise happens to contain a certain principal share of the temperate countries still open for settlement by European races. India belongs to the first class, and is a country in which the European leads a purely exotic existence. The European element as compared numerically to the native can never be otherwise than insignificant, and must always be confined to the official and military classes, and the higher branches of commerce and industry. In any other branch there never was and never will be any question of the European ousting the native. India has in her climate a protection more permanent and more effective against social invasion than any act of alien immigration could ever afford her.

But South Africa is one of the countries inhabitable alike by Europeans and Asiatics, and it is difficult to conceive any question at the present moment more momentous than the struggle between East and West for the inheritance of these semi-vacant territories. Promises have been made without knowledge or perception of the consequence involved in their fulfilment.

If the redemption of the pledges upon which Sir M. Bhownaggree depends both in letter and spirit means that in fifty or a hundred years this country will have fallen to the inheritance of the Eastern instead of Western populations, then from the point of view of civilisation they must be numbered among promises which it is a greater crime to keep than to break. As India is protected by her climate against Europeans, so England is protected by the same agency against the invasion of the Asiatic, to which this country is subject. But if it were not so would the faith of these pledges be held to entitle the Indian shop-keeper to eliminate from English society the small shop-keeper and farmer? They would be held by English statesmen to be no more sacred than a promise which inadvertently committed a man to suicide. It was precisely this feeling which the anti-Chinese agitation aroused. The English electorate then showed themselves sufficiently strenuous for the exclusion of Asiatics who would reduce, it was thought, the market for white labour.

I have not touched upon the sanitary dangers arising from the presence of an Asiatic population, except to correct Sir M. Bhownaggree's statement. I have preferred to place the matter upon what I regard as its true footing. The Europeans who form the Commercial Community of this country are struggling for continued

existence which is threatened by an influx of Asiatics. Owing to past events, vested interests have been acquired, which it is impossible for the Government of the Transvaal to ignore, but if this country in the future is to be a sphere for the development of an English population, the principles of our Asiatic policy must in my opinion be such as make the granting of traders' licenses subject to the conditions enumerated above, and to control the future immigration of Asiatics by a law similar to that of Cape Colony and Natal. In considering the provisions restricting the immigration of aliens, it is obvious that as far as possible the legislation introduced by the various Colonies should be uniform. Cape Colony and Natal would have a legitimate grievance against the Transvaal if the laws in force in the latter Colony were less stringent than those in force in the former. If such were the case it would be quite easy for immigrants to enter the Transvaal viâ Delagoa Bay, and to make their way into the neighbouring Colonies. It is quite impossible to control ingress and egress from adjoining countries divided by a border line so extended as to that which separates the Colonies of South Africa. I do not for one moment believe that the Legislatures of either Cape Colony or Natal will consent to the proposal to include the Indian language in the test to be applied to immigrants contained in the telegram from the Secretary of State of the 4th January, 1904.

Even if they are willing to do so, I am not, after mature consideration, prepared to submit such a proposal to the Legislative Council of the Transvaal although when it was originally suggested I offered no opposition thereto.

The episodes of the past few weeks have brought the Asiatic question into prominence, and I think that I am able to gauge with accuracy the feeling of the people of this country towards British Indians generally.

The outbreak of plague has demonstrated the bias of the European population but I base my judgment rather on the exhibition of public feeling recently manifested in the Legislative Council, in the discussions of every Chamber of Commerce, and by the whole body of the public at the time when the Government undertook the task of selecting sites for bazaars. The British Indian Association maintains that these sites are quite unsuitable, but they have, in my opinion, overstated their case.

The objections raised by the townspeople have been also unreasonable.

I think that the selections have been well-made.

Speaking generally I am convinced that a *modus vivendi* is only possible by a compromise, and that the basis of a compromise which will be acceptable to the Europeans of the Transvaal must be to treat fairly those Indians who have been allowed to come into the country, and to let any future immigrants know the disabilities under which they will be allowed to enter the Transvaal.

The prohibition which exists against the owning of land by British Indians is due to the same general instinct of self-preservation which has led to the protests against Indian traders by the Commercial Community. It is perfectly true that if it were possible for the Indians to acquire land and devote themselves to the cultivation of the soil, the necessaries of life in the way of garden produce which are now for the moment abnormally costly would be considerably cheapened, but the community would infinitely prefer to suffer a temporary disability in this respect than to see the establishment in their midst of a race of landowners whom they instinctively regard as aliens.

At the present time the market is glutted with farms for sale, and I have no doubt that if the restrictions now placed upon the acquisition of land by Indians were removed thousands of acres would at once pass into the hands of British Indians, many of whom have acquired immense wealth in trade both here and in Natal. The ignorant Dutch farmer is a credulous person, and just now is being crammed by unscrupulous people with the most absurd stories to the effect that the British Government is determined to wrest his land from him. The Fencing Act, the taking of a Census, the Stock Regulations, are interpreted as insidious means whereby the Government is seeking to acquire his farm. These stories are, of course, ridiculous, but they receive ready credence from the uneducated Boer, and they produce in his mind a sense of uneasiness, and a desire to "make hay while the sun shines," and dispose of his land on the first opportunity. The present would be a most unfortunate

moment to bring into the land market an entirely new speculator, and it is our duty to save the farmers of the country from this danger.

For these reasons the Government deem it impossible to allow the indiscriminate acquisition of land by Indians, but they are prepared to allow Indians to hold land in bazaars or any other areas set apart for Asiatics. It would, moreover, be only reasonable to remove the vexatious provision of the existing law, by which Indians are prohibited from holding in their own name land devoted to religious purposes.

I have endeavoured to set forth clearly what I believe to be the true feeling of the general public in regard to this question as well as to give an outline of the legislation which we propose to introduce during the next Session of the Legislative Council. It embodies the policy contained in Government Notice No. 356, of 1903, to which this Government has steadily adhered. As I have already stated, I anticipate that the proposed restrictions on British Indians may appear to His Majesty's Government to be somewhat severe, but I am quite certain that we shall have the greatest difficulty in carrying in the Legislative Council even such a measure as I have described. There is no mistaking the feeling of the public on this question, and I am confident that great pressure will be put upon the Government to impose still further restrictions than those at present proposed, but it would be most unfortunate if we were after meeting with strenuous opposition to pass any measure in the Legislative Council which might afterwards fail to receive the approval of the Secretary of State.

Some legislative measure is urgently necessary, and I therefore earnestly hope that we may be informed with the least possible delay whether the Secretary of State will now give his approval to the introduction of legislation containing the provisions which I have enumerated above.

I have, &c.,

ARTHUR LAWLEY,
Lieutenant-Governor.

His Excellency
The Right Honourable Viscount Milner,
P.C., G.C.B., G.C.M.G., &c., &c.,
Johannesburg.

"RAND DAILY MAIL," 24th March, 1904.

HOW THE PLAGUE BEGAN.

ACCORDING TO LOCATION COOLIES.

We give the following letter, which reached us last night by post from the Coolie Location, "as it is written." We call the attention of the authorities to the statement in the letter alleging the manner in which the plague was conveyed to the location :—

Indian Location, Johannesburg,
March 22, 1904.

To the Editor of the "Rand Daily Mail."

Sir,—Re Plague, or any other Discease may concern. We beg to ask you to Insert these few lines in your valueable paper and oblige yours Faithfully Madras and Colonial Born Indians. We, the Madras Indians residing in the Location, Johannesburg, residing now in the Location numbering more or less 200 and more or less 1,000 Bombay, Soortheys, Hindoo or Bombay Natives, and by whom the present sickness commenced from and continuing. We read the report appeared in the "Rand Daily Mail" of yesterday, 21st inst., stating that only coolies died through plague, no Kaffirs or whites. We Presume the Report is correct. At the same time we like the Public to know how the Plague was Breakeout and from who it was Breakout was the Bombay Soortheys Hindoo or commonly called Bombay coolies and not from Madrasse Indians Mohamedians or Calcutta Indians. We understand from one of the good well known man that the First Case was brought in to the Location from near Simmer and Jack about 12 days ago it was Inquired at the same time and the Soorthy explained that his brother was sick of Fever and brought in to his quarter to get him Better and he died. One days after and we are justified to the statement of M. J. Gandih, Esq., that Houses are overcrowded? "whom they are" and we also justify to the report of Dr. William Godfrey saying that the Houses are overcrowded with Bombay natives "whom are they." They the Bombay Natives called Bombay

Soorthey Hindoo they are generally with the round caps the Majority the Soortheys whom called coolies they cannot speak English. We the civilised English speaking Indians beg to ask you to Inform in your valuable paper if Dr. Porter, Health Officer, and Dr. Backenzie, the District Surgeon, and Dr. William Godfrey we the Madrasse and colonial born Indians beg to ask the Gentlemen Doctors come and visit our houses they they will see. Most of us living in European Fashion and these Bombay Soorthys coolies there is no doubt they are overcrowded and dirty and they only living on 2 Blankets and couple of sacks and a carpet Hand bag to carry their clothes in this are the great things they own therefore Sir we beg to ask you Most Generous to Seperate ous Madrasse community from the Soorthey coolies Bombay Natives for the Future quarter.—We are the Most Obidient, Sir,

V. GOOROOSAMY NAIDOO,
V. KATHANPILLAY,
On behalf of the Madrasse and Colonial-born Indian community.

"RAND DAILY MAIL," 28th March, 1904.

FOULING THE NEST.

To the Editor of the "Rand Daily Mail."

Sir,—I have read with some interest, in yesterday's issue of your paper, a letter signed by two Indians of the Quarantine Camp, giving the circumstances under which plague broke out in the location. In the first place, I fail to see what object these worthies wish to serve by attempting to cast a slur on another section of their countrymen, and blaming them for the introduction of the plague. It strikes me very much to be a case of the kettle calling the frying-pan black. Besides, it would interest one to know who briefed these two enthusiastic satellites to advocate the cause of the Colonial-born Indians.

One might reasonably presume that the English contained in the letter published by you in all its original correctness, is a fair specimen of their intelligence, and hence I take this opportunity of giving them the gentle hint to remove the beam from their own eye before seeking to remove the mote from their brothers' eye. I am sure no self-respecting individual can admire traitors who seek to injure their own people for personal consideration.

Yours, &c.,
BROAD-MINDED INDIAN.

Johannesburg, March 25th.

"RAND DAILY MAIL," 28th March, 1904.

INDIAN ON INDIANS.

To the Editor of the "Rand Daily Mail."

Sir,—I am very glad that Messrs. Kathan Pillay and Gooroosamy Naidoo have written to your valuable paper regarding how the plague originated, and the class of Indians attacked by this fell disease. It also recalls a state of affairs which existed in the location since the declaration of peace, and which has been neglected by those responsible for the public health.

The Bombay Bunnias, with very few exceptions, are the most filthiest classes imaginable. That phrase, "living upon the smell of an oiled rag," particularly applies to these people, and they are peculiarly susceptible to the bubonic plague. My personal experience has convinced me that it is impossible to impress upon the Bunnias those principles of cleanliness and sanitation as comprehended in a purely European community; for they ascribe everything to fate—even their insufferable filthiness. Their mode of living and congregating within the narrowest space possible is not so much the results of the teachings of fatalism as is their inordinate greed for gold. I remonstrated with these men on countless occasions upon their insanitary method of living; the only reply I got was, "We are here to make money and return to our country, not to consider the scruples of the white man."

The Indian community in general are not imbued with sentiments of this kind; but are made to suffer for the criminal perversity of a section whose chronic antipathy to cleanliness, fanatical adherence to superstition in its grossest form, and mammon worship is a most prolific source of contagious disease of the most virulent form.

Prior to 1894-95 there were very few Bunnias in South Africa, and particularly in the Transvaal, where the Tamils from the Madras Presidency comprised almost seventy per cent. of the Asiatic population and were immune from infectious diseases of any kind; but, since that period, the immigration of Bombay Bunnias to South Africa assumed alarming proportions. They arrived in shiploads to Natal, and afterwards found their way to the Transvaal, and to-day the Asiatic population of this Colony consists of fifty per cent. of Bunnias, the Madras Tamils having fallen back to about thirty-five per cent.

It will be remembered that in the early part of 1897 the people of Natal rose en masse against the indiscriminate landing of Asiatics in Durban, and serious riots occurred in connection with that

agitation. The Natal Parliament responded to this agitation by immediately passing the Immigration Restriction Act No. 1 of 1897. When this Act was promulgated there were already tens of thousands of these undesirable creatures or "British subjects" infesting the fairest portion of South Africa, with the result that in Natal and the Cape Colony hundreds of natives and Europeans are swept off.

Now that the Transvaal is infected with the plague with the darkest prospect, and amount of vigilance on the part of the Health Board and others will certainly not check the spread of this disease unless all the Bunnias within the location and other parts of the town are isolated from other Asiatics and placed in rigid quarantine until the plague is effectually stamped out.

In writing this letter in the public interest, I would point out that inspectors be appointed to visit and examine all Asiatic quarters, and if any found living in an insanitary condition, be put over the border within twenty-four hours.

I am, &c.,
C. M. PILLAY,
Late Secretary Indian Congress,
Pretoria and Johannesburg.

Johannesburg, March 24.

No. 3.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

(Sent 3.35 p.m., July 8, 1904.)

TELEGRAM.

July 8. No. 3. British Indians. Firstly, with respect to future immigrants. His Majesty's Government recognize that, for the reasons set out in your despatch of 18th April,* there is a strong opposition among the European population of the Transvaal to a continued and unrestricted influx of small traders and others of Asiatic race. The same feeling has already received expression in the neighbouring Colonies of the Cape and Natal in the Acts passed by the Legislatures of those Colonies within the last few years, and His Majesty's Government feel that they are unable to withhold their sanction to the immediate introduction into the Legislative Council of the Transvaal of a measure restricting immigration on the lines of those Acts.

The adoption in this measure of a language test in a European language only and the exclusion of the alternative test in a literary Indian language will undoubtedly effect the purpose in view of limiting and indeed will, as I believe, almost entirely check the influx of British Indians and Asiatics into the country.

Secondly, as regards the status of British Indians now resident in the Transvaal, His Majesty's Government are unable to sanction legislation which will curtail the rights urged with great earnestness and for many years by His Majesty's Government both here and in South Africa which have now been established by high judicial authority, the correctness of whose decision has not been challenged. The second Ordinance proposed which will take the place of Law 3 of 1885† should therefore not interfere with the right of those now in the country to obtain licences to trade outside locations but should be limited to creating the necessary machinery, by means, I assume, of municipal Regulations, for placing Asiatics in locations in accordance with the law, and should provide in the case both of present residents and of newcomers that those required to live in locations or bazaars should be so required for sanitary reasons in each case, whilst those of a superior class should be exempted and allowed to reside anywhere.

His Majesty's Government are also anxious that the concessions which you favour respecting the exemption of Asiatics of the better class, including all respectable shopkeepers (and) traders, from humiliating disabilities under municipal and other Regulations applying to coloured persons should be secured as far as possible either under the new Ordinance or by means of the machinery already provided by Ordinance No. 35 of 1901, if it can be adapted to that purpose.

The two Ordinances which the Transvaal Government propose to pass during the present session of the Council should contain a suspending clause or be reserved for the signification of His Majesty's pleasure.

A full despatch will be sent to you by mail.

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* No. 2. † See p. 57 of [C.—7911].

The root of the decision of His Majesty's Government was that it would be derogatory to national honour to impose on resident British subjects burthens against which we had long protested and to which even the Boer Law, rightly interpreted, did not subject them.

No. 4.

MR. LYTTELTON to GOVERNOR VISCOUNT MILNER.

MY LORD, Downing Street, July 20, 1904.

I HAVE the honour to inform you that His Majesty's Government have given their most careful consideration to the proposals contained in your despatch of the 18th April* for dealing with the question of the position of Asiatics in the Transvaal.

The decision at which His Majesty's Government have arrived has already been communicated to you by my telegram of the 8th instant,† but I propose in this despatch to review the history of the question in order to indicate clearly the considerations which have influenced them in coming to that decision.

The history of the question, as you are aware, begins with the passing by the late South African Republic of Law No. 3 of 1885,‡ relating to "Coolies, Arabs, and other Asiatics," under the following circumstances:

On the 6th January, 1885, the State Secretary of the South African Republic wrote to Lord Derby, then Secretary of State for the Colonies, to say that it was proposed to legislate for the regulation of the Orientals who had settled—nearly all as storekeepers—in the Republic, and inquiring whether, in the opinion of Her Majesty's Government, the South African Republic was at liberty to do so under Article XIV. of the London Convention of 1884.

Article XIV. of the London Convention provided that all persons, other than natives, conforming themselves to the laws of the South African Republic—

(*a.*) Will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic.

(*b.*) Will be entitled to hire or possess houses, manufactories, warehouses, shops and premises.

(*c.*) May carry on their commerce, either in person or by any agents whom they may think fit to employ.

In forwarding the State Secretary's letter to Lord Derby, Sir Hercules Robinson, then High Commissioner for South Africa, recommended that Article XIV. of the Convention should be amended by the substitution for the word "natives" of the words "African natives or Indian or Chinese coolie immigrants." This would safeguard the interests of the "Arab" traders already established at Pretoria, and leave the South African Republic free to legislate for Asiatic coolie immigrants, *i.e.*, labourers, not persons of a superior class.

Lord Derby concurred, but thought it preferable that the South African Republic should legislate "in the proposed sense, having received an assurance that Her Majesty's Government will not desire to insist upon any such construction of the terms of the Convention as would interfere with reasonable legislation in the desired direction."

The South African Republic thereupon passed Law No. 3 of 1885 applying "to the persons belonging to one of the aboriginal races of Asia," providing that they should not be capable of obtaining burgher rights, or of being owners of landed property, that those entering the Republic for the purpose of trade or otherwise should be obliged to be registered and to pay a fee for such registration, and that the Government should have the right to point out to them their proper streets, wards, and locations *for residence* (in Dutch "ter bewoning").

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* No. 2. † No. 3. ‡ A translation of this Law is printed at p. 57 of [C.—7911].

The South African Republic claimed to apply this Law to all Asiatics residing in the Transvaal indiscriminately, not distinguishing between traders and immigrant coolies. Complaints were consequently received from the Asiatic trading community, and Her late Majesty's Government represented to the Government of the South African Republic that the sense in which Law No. 3 of 1885 was being interpreted constituted a violation both of the Agreement under which Her Majesty's Government had assented to the passing of that Law and a contravention of the London Convention.

The Government of the South African Republic consented to amend the Law in question, and this was finally done by Proclamation of the 26th January, 1887, in pursuance of a Resolution of the Executive Council of the South African Republic, the words "for sanitary purposes" being inserted in the clause before referred to, which empowers the Government to point out to Asiatics their proper streets, wards, and locations for residence, and a clause being added empowering Asiatics to hold fixed (landed) property in such streets, wards, and locations so appointed for sanitary purposes.

Her Majesty's Government understood that the Law as thus amended was a sanitary measure, and consequently would not apply to traders and other persons of a superior mode of life (not being coolies), whose relegation to certain districts was not necessary on sanitary grounds. They accordingly accepted the amended Law, and did not insist upon the fact that it was a contravention of the terms of Article XIV. of the London Convention.

The Government of the South African Republic, however, maintained that the Law should apply to all Asiatics alike, and, further, interpreted the phrase "for residence" as applying to business premises as well as private dwelling places. Thus they claimed the right to compel all Asiatics not merely to reside, but also to carry on their business exclusively in the streets or locations specially assigned to them.

Her Majesty's Government adhered to their view, and pressed the Government of the South African Republic at any rate to respect the interests of British Indian traders who had acquired a vested right, prior to the legislation of 1885, to trade outside locations. But no agreement was come to on the subject, and ultimately in 1895 the matter was referred to arbitration before M. Melius de Villiers, then Chief Justice of the Orange Free State. In the case as presented to the Arbitrator, Her Majesty's Government claimed—

(*a.*) That Indians and other Asiatic traders, being British subjects, be allowed to reside in the towns of the South African Republic in some quarters (wards and streets), which, for sanitary purposes, may be assigned to them;

(*b.*) That they may be allowed to carry on their trade or business in shops or stores in any part of the town;

Whilst the South African Republic claimed—

(*a.*) That they were fully entitled to make such Regulations concerning coolies, Arabs, Malays, and Mahommedan subjects of the Turkish Empire as they might think fit;

(*b.*) That His Majesty's Government was not entitled to object to any Asiatics being prohibited from having business premises in villages and towns on places other than those pointed out by the Government.

The Award of the Arbitrator was made on the 2nd April, 1895.* He disallowed both claims, and decided that the Government of the South African Republic was entitled to give full force and effect to Law No. 3 of 1885 and to the Volksraad Resolution of 1886, "subject to sole and exclusive interpretation in the ordinary course by the Tribunals of the country."

Volksraad Resolutions subsequent to that of 1886 were thus, by implication, disallowed, and the question at issue was left for judicial decision.

The attitude of Her Majesty's Government at the time was clearly indicated in Mr. Chamberlain's despatch of the 4th September, 1895,† in which he stated that the Award of the Arbitrator must be allowed to have closed the legal and international

* Printed at p. 14 of [C.—7911].

† No. 14 in [C.—7911].

questions in dispute between Her Majesty's Government and the Government of the South African Republic. But Mr. Chamberlain expressly reserved to himself the liberty to make friendly representations to the Government of the South African Republic on behalf of the Indian traders with whom he expressed sympathy and possibly to invite the Government of the South African Republic to consider whether, when once its legal position had been made good, it would not be wise to review the situation from a new point of view, and decide whether it would not be better in the interests of its own burghers to treat the Indians more generously, and to free itself from even the appearance of countenancing a trade jealousy, which he had some reasons to believe did not emanate from the governing class in the Republic.

The Award of the Arbitrator had not decided the question of the exact legal position of Asiatics under Law No. 3 of 1885, and the matter was finally settled by a test case.

On the 8th of February, 1898, Tajob Hadji Mohammed Khan, a British Indian, who had received from the Field Cornet, by virtue of the Law of 1885, notice to leave Pretoria as a residence and place of business, summoned Dr. Leyds for a Declaration of rights.

The Court, by a majority of two to one, gave judgment for the defendant, with costs, Justices Morice and Esser holding that the words of the Law of 1885, "ter bewoning," could be held to cover a merchant's place of business, and that the action of the Executive in the case was therefore justified. Justice Jorissen dissented.

The correctness of the decision was gravely questioned by yourself and by lawyers of position, yet Her Majesty's Government felt obliged to accept it. But on the announcement of the decision, the Acting British Agent ascertained from the State Secretary that no sudden removal of the Indians to locations would take place as the result, and a proposal for the establishment of separate Indian bazaars just outside the towns was discussed. A Resolution was passed by the Executive Council on the 15th November, 1898, calling upon British Indian traders to remove from the town after the expiration of certain specified periods of time for the two classes into which they were divided, the 1st April and the 1st July being fixed as the final dates for removal. As a matter of fact, in consequence of the events of 1899 leading up to outbreak of the war, no effect appears to have been given to this Resolution.

Negotiations were at this time entered into in regard to both Indian traders and Cape coloured persons, in order to secure the vested rights of those resident in the South African Republic, but they broke down.

In the course of the negotiations you, as High Commissioner, offered, provided that existing traders were left undisturbed in their places of business, to agree to future immigrants being obliged to reside and trade in locations, and to the fee for registration being raised to £25 instead of £3.

The Government of the South African Republic replied that they could not consider the proposal unless Cape coloured persons were included in it; whereupon you informed them that you could not, to help one class of British subjects, give away the rights of another class.

Mr. Chamberlain, in his despatch of the 4th May, did not see what could be done, except to communicate to the Government of the South African Republic in the sense of the last part of his despatch of the 4th September, 1895, and ask, in a friendly way, for their favourable consideration of at least the better class of Indians, if not of all, suggesting the possibility of creating an Asiatic quarter within each town, and pointing out that the sanitary considerations on which the Law was based could not be applicable to all Indians without distinction.

Up to the outbreak of the war, therefore, the British Government had steadily maintained, at first as a matter of right, and, subsequently to the Award of 1895, by diplomatic persuasion, the interest of the British Indians resident in the Transvaal, and the treatment of these fellow-subjects formed part of the British case against the late South African Republic.

After the annexation of the Transvaal, the Law of the late South African Republic was continued in force, owing to the difficulties surrounding fresh legislation on the subject. Licences to trade elsewhere than in locations which had been held by Asiatics

at the date of the declaration of war were temporarily renewed, and the residence of those who, at that date, were domiciled outside locations was not interfered with. The Law was enforced in the case of those Asiatics who were not at the date of the outbreak of war enjoying privileges opposed to the Law, except that the payment of the fee for registration was not exacted.

On the 3rd April, 1902, you telegraphed the formal proposals of the Government of the Transvaal.

They were—

1. That all Asiatics, whether then resident in the Transvaal or subsequently entering it, unless specially exempted, should take out a certificate of registration to be annually renewed at a charge £3. (The South African Republic Law No. 3 of 1885 had fixed this charge for registration at £25. It was reduced to £3 by the subsequent Volksraad Resolution of 1886.)

2. That registered Asiatics, unless living with a European employer, should be obliged to reside and carry on their business in special quarters of the towns set apart for them, the sites for these locations to be selected by the Governor, and their control for sanitary purposes to be exercised by the municipal authorities.

3. That certificates of registration should be refused to undesirable persons.

4. That exemption from registration should be granted to educated and civilised Asiatics.

5. That the prohibition against holding real property should be repealed, but that the right of Asiatics to acquire such property should be restricted to town areas for five years.

It was explained that the object of this last provision was to prevent land settlement in the Transvaal being made more difficult by land being bought and held for speculative purposes by Indian and Arab traders.

Mr. Chamberlain replied on the 6th August, 1902, that it would be impossible to defend what would practically be a continuance of the system of the South African Republic against which His Majesty's Government had so strongly and repeatedly protested.

He said that the measures adopted must be limited to those which could be justified on sanitary and other reasonable grounds, so that it was doubtful whether business outside locations could properly be prohibited, though it might be necessary, on sanitary grounds, to compel all but better-class Asiatics to reside in locations.

If the object of registration was to keep out undesirable persons, he considered that this would be better done at the colonial ports and the Portuguese frontier by legislation on the lines of the Natal Immigration Restriction Act.

He added that it was better that any legislation to restrict the speculative acquisition of land should apply to all persons equally: that Asiatics living in locations might be prohibited from acquiring real property outside the locations, but that those allowed to trade outside locations should be allowed to acquire property in their business premises.

In May, 1903, the question became acute when, owing to the labour difficulties of the Transvaal, the Colonial Government proposed to import 10,000 coolies from India to work on the railways under an indenture providing for their repatriation on the termination of their period of service.

In replying* to the telegram dated the 12th May, 1903,* in which this proposal was made, Mr. Chamberlain informed you that the Government of India was not prepared to meet the wishes of the Transvaal Government while the position of British Indian traders resident in the Transvaal remained in so unsatisfactory a state. The Government of India would require as the condition of their consent to the importation of

* See [Cd. 1683].

indentured Indian labour into the Transvaal that the existing legislation relating to Indians should be modified—

1. By the abolition of registration for Indians generally, and the substitution therefor of a measure for keeping undesirable persons out of the Colony.

2. By securing that locations for Asiatics should be restricted to those classes for whom they were required on sanitary grounds.

3. By allowing business to be carried on outside locations.

4. By replacing the restrictions on acquisition of real property by Asiatics by a general Law against speculative acquisition.

5. By exempting better-class Asiatics from all special restrictions, and by allowing them to have Indian servants to reside with them.

Shortly after the despatch above referred to was sent, Mr. Chamberlain received your despatch, dated the 11th May, 1903,* dealing with the question of the position of Indians resident in the Transvaal, and enclosing a copy of a Government Notice on the subject, No. 356 of 1903, which was issued on the 8th April.

This Notice announced that the Government had resolved—

1. That the Government should take immediate steps to have bazaars in every town set apart, in which alone Asiatics might reside and trade ;

2. That no new licences to trade should be granted to any Asiatic elsewhere than in bazaars ;

3. That in the case of Asiatics who held licences to trade outside bazaars at the beginning of the war, these licences might be renewed to trade under the same conditions during the residence in the Colony of the licensee, but should not be transferable ; and

4. That educated and respectable Asiatics should be exempted from all special restrictions.

In forwarding this Notice, you commented on the absolute necessity, on sanitary grounds, of segregating the low-class Asiatics from the white population of the Transvaal, and quoted the evidence of Dr. Porter, Medical Officer of Health for the Transvaal, on the Indian quarter of Johannesburg, on this point.

You pointed out that it was the intention of the Transvaal Government to select for the bazaars in every town healthy sites suitable for trade, instead of the unsuitable sites which had been selected by the Government of the South African Republic, and that the Notice respected vested interests which had been acquired before the war. On the other hand, no new vested interests were to be allowed to be acquired. Asiatics who had been trading outside bazaars only since the war had their licences renewed until the 31st December, 1903, but were warned that on that date they would be required to remove into bazaars. You also laid stress on the exemption of Asiatics of a superior class from all special restrictions.

This Notice and your despatch were considered by the Indian Government in connection with the proposal that indentured Indian coolie labour should be allowed to be imported into the Transvaal for public works. The Indian Government eventually decided that it would be prepared to allow the introduction of indentured Indian labour into the Transvaal if certain conditions relating to resident Indians were granted. The most important of these was that licences should be given to all Indian traders who had established business outside locations under the Government of the South African Republic, whether with or without licences, allowing them to retain their present places of business. This decision was telegraphed to you on the 4th January last.

Further discussion of the question took place in the Legislative Council of the Transvaal in December, and in reporting on this discussion in a dispatch dated the 1st February last, in reply to the representations which I had made to you on behalf of the Indian Government, you announced that the Transvaal Government, although in the face of strong popular opposition, proposed to meet the wishes of the Indian Government in the matter of the traders who had been *bona fide* carrying on business outside

* [Cd. 1684].

locations before the war, although without licences to do so. The Transvaal Government further proposed that immigration should be regulated by a Law similar to those in force in the Cape and Natal, and to admit Indian as well as European languages in the education test to be imposed under the Act. This was in accordance with a suggestion made by the Indian Government.

On these lines it appeared probable that an agreement might be arrived at, the Indian Government on its side assenting to the arrangement under which all Asiatics who had not acquired a vested right to trade outside bazaars should be restricted to them for purposes of trade and all not exempt by reason of their superior mode of life, for purposes of residence, and to the prohibition laid upon Asiatics to hold land except such as might be required for religious purposes.

It was hoped that arrangements might then be made for the importation of indentured Indian coolie labour into the Transvaal.

Telegraphing on the 15th April, however, in reply to a point which I had raised, you said that on further consideration you feared that the proposal that Indian languages should be admitted in the education test to be imposed under the Immigration Law would conflict with the principle of uniformity of legislation with regard to non-European persons which had been approved by the Colonial Conference at Bloemfontein. The Transvaal Government was, therefore, now opposed to the proposal.

On the 7th May I received your despatch dated the 18th April,* inclosing Sir A. Lawley's despatch, in which he deals exhaustively with the whole question, and comments in detail upon a letter from Sir M. Bhownaggree, M.P., in which the case for the British Indians in the Transvaal was fully set out.

In this dispatch, Sir A. Lawley dwelt strongly on the danger with which the continued existence of the European commercial community in the Transvaal towns is threatened by the continued influx of Asiatic traders, with whom, owing to their lower standard of living, Europeans cannot compete, and on the consequent violent prejudice against the Asiatics which exists in every town of the Transvaal. He pointed out how in towns like Pietersburg the small European traders had been completely swamped by Indians, and contended that it depended upon the decision of the question of the position of Asiatics whether the Transvaal should remain in any sense a white man's country.

Two facts rendered immediate legislation imperatively urgent :—

1. The outbreak of plague in the Indian quarter of Johannesburg, illustrating the necessity for removing Indians to separate locations on sanitary grounds.

2. The fact that, as had been anticipated, a test case was being brought before the Supreme Court of the Transvaal to determine the validity of the old Boer Court's interpretation of Law No. 3 of 1885.

The final proposals of the Transvaal Government as set forth in that despatch are that there should be introduced into the Legislative Council of the Transvaal—

(*a.*) An Immigration Restriction Law on the lines of the similar Cape and Natal Acts, providing *inter alia* an education test for would-be immigrants for the purposes of which Indian languages should not be accepted.

(*b.*) A measure dealing with Indians on the lines of the Government Notice No. 356 of 1903, above referred to, providing :—

(1.) That those Asiatics who satisfy the Colonial Secretary of the Colony that their mode of living is in accordance with European ideas should be allowed to live, with their servants, outside locations, but not to trade outside locations unless they fall under (2).

(2.) That those Asiatics who had established businesses outside locations before the war should not be disturbed.

(3.) That with the two exceptions mentioned above all Asiatics should be required to live and trade in locations, and should be prohibited from holding land outside. This provision not to apply to land now set aside and used for religious purposes.

* No. 2.

(4.) All Asiatics entering the Transvaal, unless specially exempted, to take out a certificate of registration at a charge of £3.

(5.) No restriction to be put on the issue of hawkers' licences, provided that the Immigration Law referred to above is passed.

You recommend the acceptance of these proposals by His Majesty's Government as being the maximum amount of concession which it is possible to make to the demands of the British Indians, in view of the state of public feeling on the matter.

On the 14th May you telegraphed that the Supreme Court of the Transvaal in the test case brought before it had reversed the decision of the old Boer Court on the interpretation of Law No. 3 of 1885. The Supreme Court held that that Law compelled Asiatics to reside but not to trade in locations.*

From this decision it follows that every Asiatic now resident in the Transvaal (except those brought in under indenture under a special Ordinance) is as free to carry on trade where he pleases as is a subject of English or Dutch origin, so that legislation of the kind now proposed by the Transvaal Government must be in diminution of existing rights. This fact, in my opinion, much changes the aspect in which the matter must be regarded by His Majesty's Government as the trustees of Imperial interests, including those of Indian subjects of the Crown.

On the other hand, the Law of the Colony as so interpreted is, as I understand your despatch, distasteful to the Transvaal public, who strongly desire to modify it adversely for British Indians who may in future enter the country, as well as for those who are now resident there.

A plain distinction may be drawn between these two classes :

With respect to the first class—future immigrants—His Majesty's Government recognize that for the reasons set out in your despatch there is a strong opposition among the European population of the Transvaal to a continued and unrestricted influx of small traders and others of Asiatic race. The same feeling has already received expression not only in Australian and New Zealand legislation, but also in the Acts passed by the Legislatures of the neighbouring Colonies of the Cape and Natal within the last few years. His Majesty's Government, deeply as they regret the necessity of hindering the free movement of British-Indian subjects within the Empire, feel that they are unable to withhold their sanction to the immediate introduction into the Legislative Council of the Transvaal of a measure restricting immigration on the lines of those Acts.

The adoption in this measure of a language test in an European language only, and the exclusion of the alternative test in a literary Indian language, will undoubtedly effect the purpose in view of limiting, and indeed will, as I believe, almost entirely check, the influx of British Indians and Asiatics into the country. The exclusion of this Indian literary test will, as you are aware, in all probability prevent the Indian Government from viewing favourably any scheme for the introduction of Indian labourers under indenture, but I understand that the Transvaal Government do not now press any such scheme, and I realize that something is to be said from the South African point of view of keeping the legislation in the various Colonies of South Africa on this subject as far as possible on a uniform basis.

With respect to the second class—British Indians—now resident in the Transvaal, who are confirmed by the decision of the Supreme Court in the rights for which His Majesty's Government have so long contended, the case is wholly different. Every rational precaution to safeguard the health of the community and of the British Indians themselves must of course be taken, and regulations securing this end with respect to their residence, and to the general treatment of their lower classes, carefully prescribed.

But an apprehended trade competition from the British Indians now in the country, whose number is now comparatively small and will under proposed restrictions on immigrants be in a diminishing proportion, cannot be accepted as sufficient reason for the legislation proposed. His Majesty's Government have steadily declined to allow this fear to influence their views in the past. On the contrary, for many years they repeatedly

* *See* Appendix.

protested before the Empire and the civilized world against the policy and Laws of the late South African Republic in relation to this subject.

Those Laws were indeed only partially enforced, yet His Majesty's Government is now asked not merely to sanction their strict enforcement, but to set aside by legislation a Judgment of the Supreme Court which has given to the British Indian rights for which His Majesty's Government have strenuously contended.

His Majesty's Government cannot believe that the British community in the Transvaal appreciate the true nature of the proposition which some of its members are pressing upon you. They, as Britons, are as jealous of the honour of the British name as ourselves, and even if a material sacrifice were necessary to vindicate that honour I feel assured they would cheerfully make it. His Majesty's Government hold that it is derogatory to national honour to impose on resident British subjects disabilities against which we had remonstrated, and to which even the Law of the late South African Republic rightly interpreted did not subject them, and they do not doubt that when this is perceived the public opinion of the Colony will not any longer support the demand which has been put forward.

The second Ordinance proposed, which will take the place of Law No. 3 of 1885, should, therefore, not interfere with the right of those now in the country to obtain licences to trade outside locations, but should be limited to creating the necessary machinery by means, I assume, of municipal Regulations for placing Asiatics in locations in accordance with the Law, and should provide, in the case both of present residents and of newcomers, that those required to live in locations or bazaars should be so required for sanitary reasons in each case, whilst those of a superior class should be exempted and allowed to reside anywhere. With regard to the question of the holding of land, British Indians who are entitled to reside outside locations must at least have the right to acquire property in the premises which they occupy for business purposes.

His Majesty's Government are also anxious that the concessions which you favour respecting the exemption of Asiatics of the better class, including all respectable shopkeepers and traders, from humiliating disabilities under municipal and other Regulations applying to coloured persons, should be secured as far as possible either under the new Ordinance or by means of the machinery already provided by Ordinance No. 35 of 1901 if it can be adapted to that purpose.

There remains the question whether newcomers should be compelled without exception to trade in bazaars or locations. It seems certain that those who will come in under the proposed Immigration Restriction Ordinance, and they should be very few, will not be Asiatics of a low class, and will not, therefore, be such persons as could properly be required for sanitary reasons to reside in a special location. I am of opinion, that until it is proved that the Immigration Restriction Ordinance has failed to limit the influx to a minimum as it is expected to do, and in view of the absence of any legislation of the kind in the Cape Colony or Natal, the Ordinance to be passed in the present Session should not limit the right of newcomers in respect of trade.

The two Ordinances which the Transvaal Government propose to pass during the present Session of the Council should contain a suspending clause, or be reserved for the signification of His Majesty's pleasure.

I have, &c..

ALFRED LYTTELTON.

APPENDIX.

THE STAR (WEEKLY EDITION), JOHANNESBURG, MAY 14th, 1904.

Pretoria, Wednesday (Special).—In the Supreme Court this morning, the Chief Justice (Sir Jas. Rose-Innes) delivered judgment in the case of Nabob Motan v. the Transvaal Government.

The case is of importance to the country generally, as it decides, *inter alia*, the position and status of Asiatic traders in the Transvaal.

His Lordship said: The plaintiff, a native of India, and a natural-born British subject, has been for many years resident in this country. He carried on a general dealer's business at Pietersburg from 1889 to 1894, and subsequently removed to Johannesburg, where he traded under the usual licence until September, 1899. He then removed to Pretoria and opened a shop, remaining in this town until October of the same year, when he was compelled to leave the country, owing to the war. After his return in February, 1902, he applied for and obtained the necessary licences for a general trading business, which he transacted both in the town of Pietersburg, and on erf 358, Prinsloo Street, Pretoria. The licences expired at the end of 1903, and early in 1904 he applied to the proper quarter to have them renewed for the current year. He tendered the money due in respect of the proposed renewals, but it was declined, the revenue officials at each place refusing to issue licences to him, on the ground that he was an Asiatic, and, therefore, disqualified from trading anywhere outside a location duly set apart for people of that race. In so refusing they were giving effect to instructions conveyed to them by the Government, and this action is brought to have it declared that those instructions were illegal, and that the plaintiff is entitled to have issued to him the trading licences which he demanded, and for which he is ready to pay.

The statute under which the plaintiff applied to the authorities is Law 17 of 1899. It enacts that licenses shall be levied in respect of the exercise of certain specified trades or callings, and that no unlicensed person shall, under pain of incurring a substantial penalty, exercise or carry on any of the callings so specified. Amongst callings dealt with by the law is that of dealers or storekeepers, who are required to pay an annual licence calculated upon a sliding scale, framed upon the basis of their yearly sales. There is nothing in the Statute which justifies the Issuers of Licences in discriminating between one applicant and another, or which indicates that any class of the community is debarred from acting under it. So far as its provisions are concerned, any person who asks for a trading licence, and tenders the money due in respect of it, is entitled to receive one. It lies upon the Government, therefore, to justify its instructions by showing that the plaintiff, personally, or the class to which he belongs as a whole, is by the terms of some other Statute or by virtue of some special legal disability, deprived of the right to which "prima facie" he would appear, in common with all other of His Majesty's subjects, to be entitled.

The defendant, in support of the Government instructions, relies entirely upon Law 3 of 1885, as amended by Volksraad Resolution No. 1,419, of August 12, 1886. It is practically admitted that if these enactments do not justify the attitude of the authorities, then the plaintiff is entitled to the licence which he claims.

It becomes necessary, therefore, to examine their provisions. Law 3 of 1885, amended as aforesaid, is in terms applicable only to members of the native races of Asia (Turkish Mahommedans being included). With regard to all such persons, it enacts that they shall not be capable of acquiring the rights of citizenship or of becoming owners of fixed property, except in such streets, wards or locations as the Government, for sanitary purposes, may appoint as their residence. It further provides that Asiatics who settle in the Transvaal "for the purpose of carrying on any trade or otherwise" shall cause their names to be entered in a register kept for that purpose. Registration, in respect of which a fee is imposed, is to be effected within a certain time after arrival. Failure so to register is punishable by a fine or in default of payment imprisonment. Then follows the final clause. "The Government shall have the right, for sanitary purposes, to appoint special streets, wards and locations for their residences. This provision shall not apply to servants living with their masters." It is interesting to note that so far as this last section is concerned the Statute contains no sanction. The Government has the right to appoint locations, but no special machinery is provided for forcing Asiatics to live in them, nor is it stated how those who refuse to go there are to be punished. That fact, however, has no direct bearing upon the present case, because, if the true meaning of the law is that Asiatics are compelled not only to reside, but to trade in locations and not beyond them, and if the Government has provided locations for their use, then clearly no Asiatic could demand a trading licence for any place or stand outside the location limits, and it is admitted that both at Pietersburg and at Pretoria areas outside the town itself have been defined and set apart for the use of Asiatics. The Statute is one which imposes serious disabilities upon a section of the community, and, that being so, it should be strictly interpreted, and the benefit of any doubt should be given in favour of those affected by the law. That is the ordinary rule of construction in such cases, and I see no reason to warrant a departure from it. I should have considered this point quite clear, and have made no reference to it, were it not for the opinion expressed by some of the members of the late High Court in the case of Sulieman & Co. v. Landdrost of Middelburg (II. Kotze, page 244), and in the latter case of Tayob Khan Mahomed v. the State (15 Cape Law Journal, page 251). The view taken by the learned Judges, to whose opinions I have referred, was that, inasmuch as the grondwet declared that coloured persons should not be placed on an equality with whites, therefore the law of 1885, which gave effect in one direction to that principle, ought to be interpreted against Asiatics rather than in their favour. Nakedly expressed, the proposition comes to this. The grondwet contemplated that the ordinary rights enjoyed by white citizens should

either not be enjoyed by coloured inhabitants at all, or only enjoyed to such a limited extent as the law from time to time expressly allowed, that any enactment dealing with the status and position of coloured people, even though it might take the form of a disabling statute, should be regarded as impliedly conferring rights denied under the grondwet, and must therefore in all cases of doubt be construed adversely to those persons. I must say that I agree with the opinions expressed by Jorissen and Morice, J.J., in the case of Tayob Mahomed v. the State, when they definitely dissociated themselves from that view. The grondwet only laid down a general principle. It remained for the Legislature of the Republic to give effect to that principle from time to time in such directions and to such extent as it thought expedient and right, but the Statutes in which it embodies the principles did not cease on that account to be disabling Statutes, and they should be construed in accordance with the ordinary rules governing the interpretation of such enactment. I have referred to this matter, because it really seems to underlie the decision in Sulieman's case, and because I do not wish to even appear to be wanting in respect for the learned Judges who decided that case, and not because I have any doubt whatever as to the meaning of the language of Law 3 of 1885. It is quite clear, from the terms of Section 2 (C), that the Legislature contemplated the case of Asiatics settling in the country for the express purpose of trading, and if it was intended to confine the business operations of such settlers within the limits of locations, some definite provisions to that effect would surely have been inserted, for it was no small matter, but one of great importance to Europeans and Asiatics alike. If the Indian was to enter the country without restriction, and to trade where he pleased, he would be a most formidable competitor to the white storekeeper, and if, on the other hand, his commercial dealings were to be restricted to the location in which he lived, situated outside the town proper and peopled only by men of his own race, then he might for practical purposes as well not trade all. The law, while recognising his right to settle in the country for the purpose of trading, and while charging him a registration fee on arrival, would be insisting on conditions which make such trading impracticable and unprofitable. It would be giving with the one hand and taking away with the other. That being, as it seemed to me, the position, it is important to notice that neither the Law of 1885 nor the resolution of 1886 contained a single line purporting in express terms to curtail the trading rights of Asiatics. The only provision made was one giving the Government the right for sanitary purposes to assign to them certain streets, wards, and locations for residence (Ter Bewoning). I fail to see any ground for holding that those words, whether we take the original Dutch or the English equivalent, in any way prohibit trading outside the residential locations. A man's residence is where he lives, where he sleeps, where his family dwell—not necessarily where he works. True, it has been held in England that for the purposes of certain statutes a man's residence may mean the place where he carries on his business. That does not seem to have been the view taken by the Cape Courts; but, even accepting the English decisions, they have no bearing upon the present enquiry, because so far from their being anything in the language or scope of this statute to indicate an intention to use the word "residence" as equivalent to "place of business," the indications, as I have endeavoured to point out, seem to be the other way, and in this connection it is significant that the reasons for giving the Government the right to assign locations to Asiatics were expressly stated to be sanitary reasons. It was for sanitary purposes that locations were established, and such purposes have a more obvious relation to places of residence than to places of business. The mischief purported to be aimed at was an insanitary mode of life in the midst of a European population—not an inconvenient competition with the European trader.

Reference was made during the argument on both sides to the history of the legislation, which we are asked to interpret, and it was agreed by counsel that the Blue Books containing the award and the reasons of the Chief Justice of the Free State should be considered as having been put in, so that the Court might be in a position to refer to them if it became necessary. I do not think that the correspondence which passed between the Governments of Great Britain and the South African Republic can be allowed to affect or vary the clear wording of the statute. Where the Legislature has definitely said one thing, it is not permissible on the strength of alleged evidence of intention, drawn from matters outside the statute to contend that it meant another. Such doctrine would be most dangerous; but, in view of the importance of the question, I have carefully read the documents to which it was agreed that the Court should refer, and I should like to say that, even if it were right to draw inferences from these documents as to the true meaning of Law 3 of 1885, I should not be able to arrive at a different conclusion than the one to which a consideration of the wording of the statute itself has led me.

One thing, however, is clear from the despatches, and that is that the interpretation which the Transvaal authorities now seek to place upon the law is the one which the Government of the South African Republic always advocated, and which the British Government consistently opposed. Under the circumstances, it does strike one as remarkable that without fresh legislation the officials of the Crown in the Transvaal should put forward a claim which the Government of the Crown in England has always contended was illegal under the statute, and which in the past it has strenuously resisted; but it is argued that we were bound by the decisions of the late High Court as to the meaning of this statute. In Sulieman's case that Court held that the applicant, who was a native Indian, could not compel the issue to himself of a licence to trade outside the limits of the Middelburg location. The matter was decided on motion, and the judgment was not a considered one. Mahomed's case however, was a test action, and was very fully argued. The Court, by a majority, followed the previous decision, but one Judge dissented, and another only held against the plaintiff because he considered that he was bound by the finding of the Court in Sulieman's application. Had the matter been "res integra" he would have arrived at a different conclusion. I do not think that we are bound to follow these decisions. In the London Tramway Co. *v.* London County Council it was held that a decision of the House of Lords upon a question of law was conclusive and binding, and the Lord Chancellor is reported to have said that "nothing but an Act of Parliament can set right that which is alleged to be wrong in a judgment of this House." I venture to think that it is stating the doctrine somewhat too widely to say that it is illegal or impossible for a Court to reverse its own findings upon questions of law. It is conceivable that circumstances may arise which

would render it a lessor evil for a Court to override its own legal opinion clearly shown to be wrong, than indefinitely to perpetuate its errors, and the mere fact that one judgment reverses an earlier one upon a point of law will not render the second judgment invalid, save under the most exceptional circumstances. However, a Court of Law should be bound by its own decisions unless and until they are overruled by a higher tribunal on appeal. To adopt any other rule would impair the dignity of the Court, and would introduce a fatal uncertainty into business transactions and legal proceedings, but this Court is not, in the full sense of the term, the successor of the High Court, and the decisions of the latter upon legal matters, though we regard them with the highest respect, and would differ from them only with the greatest reluctance, do not stand, so far as we are concerned, on the same footing as our own. They are the decisions of a different Court, and though the same system of law is common to both tribunals, we are bound by the rulings of the Privy Council in the past as well as the future, whereas the High Court was not.

When we are asked, therefore, to investigate a point already decided by the late Court, we are bound to examine it more narrowly than we would do had the decision been one delivered by ourselves. Yet, even if compelled to differ from the High Court, I should be slow to give effect to my view, if vested rights had grown up under what I consider a faulty decision, or if a course of legal practice had been settled and followed in consequence of it. But nothing of that kind is present here. The judgment in the two cases which have been mentioned conferred no rights; rather, it took rights away. We have vested interests grown up under them, and inasmuch as I find it impossible to agree with the conclusion arrived at in those cases, I feel that the Court ought not to be bound by them.

Under all the circumstances, judgment must be for the plaintiff, as prayed. The instruction given to the revenue officers, to refuse the licences which the plaintiff asks for, must be declared to be illegal, and he must be declared entitled, upon due payment of the licence moneys, to receive licences to trade as a general dealer in the towns of Pretoria and Pietersburg. The defendant must pay the costs.

Mr. Justice Solomon and Mr. Justice Curlewis concurred.

INDENTURED COOLIE LABOUR.

RETURN to an Address of the Honourable The House of Commons, dated 2 March 1904;—*for*,

"RETURN of ORDINANCES now in force in SELF-GOVERNING or CROWN COLONIES respecting the importation therein of INDENTURED COOLIE LABOUR from India or elsewhere."

Colonial Office,
April 1904.

M. F. OMMANNEY.

(*Sir Howard Vincent.*)

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RETURN

OF

ORDINANCES* NOW IN FORCE IN SELF-GOVERNING OR CROWN COLONIES RESPECTING THE IMPORTATION THEREIN OF INDENTURED COOLIE LABOUR FROM INDIA OR ELSEWHERE.

Colony.	Year.	No.	Title.
Australia - -	1901	16	An Act to provide for the Regulation, Restriction, and Prohibition of the introduction of Labourers from the Pacific Islands and for other purposes.
Do. - -	1901	17	An Act to place certain restrictions on Immigration and to provide for the removal from the Commonwealth of prohibited Immigrants.
British Guiana -	1890	10	An Ordinance to make provision for the introduction into this Colony of Immigrants from places other than countries in Asia and for other purposes relating thereto.
Do. - -	1891	18†	An Ordinance to consolidate and amend the Laws relating to Asiatic Immigrants.
Do. - -	1895	6	An Ordinance to make provision for extending the time for payment of certain Indenture Fees on Allotments of Immigrants.
Do. - -	1895	11	An Ordinance to amend the Immigration Ordinance, 1891, in respect of the financial arrangements to be made on the transfer of Indentured Immigrants from one employer to another and in certain other respects.
Do. - -	1900	27	An Ordinance to amend the Immigration Ordinance, 1891.
Do. - -	1901	19	An Ordinance to amend the Immigration Ordinance, 1891, Amendment Ordinance, 1900, and to further provide for the establishment and management of East Indian Settlements.
Do. - -	1903	35	An Ordinance to amend the East Indian Settlements Regulation Ordinance, 1901.
Ceylon - -	1865	11	An Ordinance to consolidate and amend the Law relating to Servants, Labourers, and Journeymen Artificers, under Contracts for Hire and Service.
Do. - -	1889	13	An Ordinance amending the Law relating to Indian Coolies employed on Ceylon Estates.
Do. - -	1890	7	An Ordinance to amend the Ordinance No. 13 of 1889, relating to Indian Coolies employed on Ceylon Estates.
Fiji - - -	1888	21	An Ordinance to amend and consolidate the Law relating to the hiring of Polynesian Immigrants.
Do. - -	1889	7	An Ordinance to amend "the Polynesian Immigration Ordinance, 1888."
Do. - -	1890	4	An Ordinance relating to Polynesian Immigrants indentured prior to the first day of Jannary one thousand eight hundred and eighty-nine.

* One set of these Ordinances has been placed in the Library of the House of Commons.
† As amended by No. 16 of 1894.

Colony.	Year.	No.	Title.
Fiji - -	1891	2	An Ordinance to amend and consolidate the Law relating to Indian Immigration.
Do. - -	1891	15	An Ordinance to provide for the Medical care of Immigrants and Native Labourers.
Do. - -	1892	2	An Ordinance to declare the Law with respect to the Marriage of Indian Immigrants.
Do. - -	1892	3	An Ordinance to provide for the administration of Estates of deceased Immigrants.
Do. - -	1892	4	An Ordinance to amend "the Indian Immigration Ordinance, 1891."
Do. - -	1892	6	An Ordinance to regulate the emigration from this Colony of Indian and Polynesian Immigrants.
Do. - -	1892	8	An Ordinance to provide for the adjustment of advances made on account of Polynesian Immigrants.
Do. - -	1893	14	An Ordinance to amend "the Immigrants Emigration Ordinance, 1892."
Do. - -	1894	4	An Ordinance to amend Ordinance No. 3 of 1892, intituled An Ordinance to provide for the administration of the Estates of deceased Immigrants.
Do. - -	1895	12	An Ordinance to amend "the Indian Immigration Ordinances, 1891–2."
Do. - -	1896	1	An Ordinance to amend the Law relating to the transfer of Indentured Indian Immigrants.
Do. - -	1898	6	An Ordinance to amend "the Indian Immigration Ordinance 1895."
Do. - -	1898	7	An Ordinance to amend "the Indian Immigration Amendment Ordinance 1892."
Jamaica - -	1879	18	The Immigration Finance Law, 1879.
Do. - -	1879	23	The Immigration Protection and Regulation Law, 1879.
Do. - -	1881	1	A Law in Aid of the Immigration Protection and Regulation Law, 1879, Law 23 of 1879.
Do. - -	1883	3	The Immigration Protection and Regulation Law, 1879, Amendment Law, 1883.
Do. - -	1886	18	A Law to enable the suspension of certain provisions of the Immigration Laws as to applications for Immigrants.
Do. - -	1887	9	The Employers of Chinese Immigrants Relief Law, 1887.
Do. - -	1889	4	The Immigration Protection and Regulation Law, 1879, Amendment Law, 1889.
Do. - -	1891	14	Immigration Finance Law, 1879, Amendment Law, 1891.
Do. - -	1891	20	The Immigration Protection and Regulation Law, 1879, Amendment Law, 1891.
Do. - -	1892	4	The Deceased Immigrants' Effects Law, 1892.
Do. - -	1896	22	The Indian Immigrants Marriage, Divorce, and Succession Law, 1896.
Do. - -	1897	12	The Immigration Protection and Regulation Law, 1879, Further Amendment Law, 1897.
Do. - -	1897	13	The Indian Immigrants Marriage, Divorce, and Succession Law, 1896, Amendment Law, 1897.
Do. - -	1899	2	A Law to amend the Immigration Protection and Regulation Law, 1879, Further Amendment Law, 1897 (Law 12 of 1897).

Colony.	Year.	No.	Title.
Jamaica - -	1903	13	The Immigration Laws Amendment Law, 1903.
Labuan - -	1891	6	An Ordinance to make provision for the protection of Natives of India to be employed in the Colony of Labuan as Labourers.
Do. - -	1901	1	An Ordinance to make provision by Law for the establishment and licensing of Depôts in the Colony for Immigrants.
Do. -	1902	1	An Ordinance to amend Ordinance No. 1 of 1901 entitled the "Immigrant Depôt Ordinance, 1901."
Mauritius - -	1870	12	An Ordinance to punish the enticing away and harbouring of Wives of Indian Immigrants.
Do. - -	1878	12	An Ordinance to amend and consolidate the Laws relative to Immigration and the Labour Laws of Mauritius.
Do. - -	1879	1	An Ordinance to remove Doubts as to the Extent and Meaning of the Repealing and Interpretation Clauses of the Labour Ordinance No. 12 of 1878 and to amend the said Ordinance.
Do. -	1881	12	An Ordinance to regulate the Emigration from this Colony of Indian Immigrants and liberated Africans.
Do. - -	1882	21	An Ordinance to invest the Protector of Immigrants with Powers of Prosecution in certain cases of Illegal Employment of Servants.
Do. - -	1884	6	An Ordinance to allow Persons who make Requisitions for the Introduction of Labourers from India to pay in several Instalments the Sums due to Government for the Introduction of such Labourers.
Do. - -	1884	11	An Ordinance to require certain Contracts with Minors to be passed before a Stipendiary Magistrate.
Do. - -	1890	9	An Ordinance to amend the Law relating to the Curatelle.
Do. - -	1891	25	An Ordinance to amend the Law relating to the harbouring and employment of Vagrants and Deserters.
Do. - -	1899	51	An Ordinance to amend the Labour Ordinance of 1878.
Do. - -	1903	26	An Ordinance to amend Ordinance No. 12 of 1878 relative to Immigration and the Labour Laws.
Natal - -	1859	13	Law "to amend and regulate the Laws relating to the "Introduction and Engagement of Immigrants from "Territories to the Eastward of the Cape of Good Hope, "not within Her Majesty's Dominions in India."
Do. - -	1874	20	Law "to repeal Law No. 14, 1871, intituled Law 'to repeal "'Law No. 16, 1864, and to amend Law No. 2, 1870' "and to create an Indian Immigration Trust Board to "administer for the purposes of Immigration all Funds "which may be received by said Trust Board."
Do. - -	1876	1	Law "to repeal and re-enact with amendments the Law No. 28 of 1874."
Do. - -	1876	19	Law "to authorise the Indian Immigration Trust Board of "Natal to raise a sum of Fifty thousand pounds sterling on "loan."
Do. - -	1880	15	Law "to alter and amend Law No. 20, 1874, intituled Law "'to repeal Law No. 14, 1871, intituled Law 'to repeal "Law No. 16, 1864, and to amend Law No. 2, 1870, and "to create an Indian Immigration Trust Board to "administer, for the purposes of Immigration, all funds "which may be received by the said Trust Board.'"
Do. - -	1891	25	Law "to amend and consolidate the Laws relating to the introduction of Indian Immigrants into the Colony of Natal, and to the regulation and government of such Indian Immigrants."

Colony.	Year.	No.	Title.
Natal - -	1894	36	Act "to extend the powers of the Indian Immigration Trust Board."
Do. - -	1894	37	Act "to amend the Indian Immigration Trust Board Law, 1874."
Do. - -	1895	17	Act "to amend the Indian Immigration Law, 1891."
Do. - -	1895	34	Act "to amend the Indian Immigration Trust Board Law, 1874."
Do. - -	1896	7	Act "to validate certain Indian marriages."
Do. - -	1897	14	Act "to amend the 'Indian Immigration Amendment Act, 1895.'"
Do. - -	1897	28	Act "to protect uncovenanted Indians from arrest in mistake "for absconding indentured Indian servants."
Do. - -	1898	19	Act "to amend Act No. 28, 1897, entituled Act 'to protect "uncovenanted Indians from arrest in mistake for ab- "sconding indentured Indian servants.'"
Do. - -	1898	21	Act "to amend Act No. 34, 1895, intituled Act 'to amend "'the Indian Immigration Trust Board Law, 1874.'"
Do. - -	1900	1	Act "to amend the 'Indian Immigration Law, 1891.'"
Do. - -	1901	48	Act "to amend the Indian Immigration Amendment Act, 1895."
Do. - -	1902	17	Act to amend Act No. 34, 1895, intituled an Act "to amend the Indian Immigration Trust Board Law, 1874.
Do. - -	1902	23	Act "to empower the Indian Immigration Trust Board to "raise a loan not exceeding £250,000."
Do. - -	1903	2	Act "to amend the Indian Immigration Amendment Act, 1895."
Queensland -	1880	17	An Act to make provision for Regulating and Controlling the Introduction and Treatment of Labourers from the Pacific Islands.
Do. - -	1884	12	An Act to amend "The Pacific Island Labourers Act of 1880."
Do. - -	1885	17	An Act to further amend the Pacific Island Labourers Act of 1880 and to put a limit to its operation.
Do. - -	1886	6	An Act to further amend "The Pacific Island Labourers Act of 1880."
Do. - -	1892	38	An Act to further amend "The Pacific Island Labourers Acts, 1880–1885."
St. Lucia - -	1891	4	An Ordinance to amend the Law relating to Immigration.
Do. - -	1896	8	An Ordinance to amend the Immigration Ordinance, 1891.
Do. - -	1897	1	An Ordinance to amend the Immigration Ordinance, 1891, Amendment Ordinance, 1896.
St. Vincent - -	1880	24	An Ordinance to Consolidate the Laws relating to Immigration.
Do. - -	1884	1	An Ordinance to amend "the Immigration Ordinance, 1880."
Do. - -	1886	9	An Ordinance to amend section 8 of "the Immigration Ordinance, 1880."
Seychelles -	1902	1	An Ordinance "to amend the Labour Ordinance of 1878 (No. 1)."
Do. - -	1903	15	An Ordinance to amend certain Labour Ordinances.

Colony.	Year.	No.	Title.
Seychelles - -	1903	25	An Ordinance to provide for the payment by instalments by Requisitionists of the Costs of introduction of Labourers from India.
Straits Settlements	1899	7	An Ordinance for the Protection of Indian Immigrants.
Do. - -	1900	15	An Ordinance to amend "the Chinese Immigrants' Ordinance 1880" (No. 4 of 1880).
Do. - -	1902	19	An Ordinance to amend the Law for the protection of Chinese Immigrants.
Do. - -	1903	8	An Ordinance to amend "the Chinese Immigrants Ordinance 1902."
Trinidad and Tobago	1899	19	An Ordinance to Consolidate and amend the Laws relating to Immigration.
Do. - -	1902	2	An Ordinance to provide a Fund for the Repatriation of Indian Immigrants.
Do. - -	1902	33	An Ordinance to amend "the Immigration Ordinance 1899."
Western Australia	1897	27	An Act to provide for the Registration of certain persons who shall be imported into Western Australia for employment within the territorial dominion thereof, and for certain other matters in connection therewith.

INDENTURED COOLIE LABOUR.

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